

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PERSONAL AUDIO, LLC

DOCKET NO. 2:13CV13

VS.

APRIL 24, 2014

TOGI ENTERTAINMENT,  
ET AL

9:04 A.M.

MARSHALL, TEXAS

VOLUME 1 OF 1, PAGES 1 THROUGH 125

REPORTER'S TRANSCRIPT OF CLAIM CONSTRUCTION HEARING

BEFORE THE HONORABLE ROY PAYNE  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR PERSONAL AUDIO:

T. JOHN WARD  
WARD & SMITH LAW FIRM  
1127 JUDSON ROAD  
SUITE 220  
LONGVIEW, TEXAS 75606

JEREMY S. PITCOCK  
THE PITCOCK LAW GROUP  
1501 BROADWAY, 12TH FLOOR  
NEW YORK, NEW YORK 10036

PAPPOOL S. CHAUDHARI  
REYES BARTOLOMEI BROWNE  
5950 BERKSHIRE LANE  
SUITE 410  
DALLAS, TEXAS 75225

MERTON THOMPSON  
BURNS & LEVINSON  
125 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110

1 FOR HOWSTUFFWORKS: MICHAEL SMITH  
2 LARRY PHILLIPS  
3 SIEBMAN BURG PHILLIPS & SMITH  
4 113 EAST AUSTIN STREET  
5 MARSHALL, TEXAS 75671

6 JASON LO  
7 GIBSON DUNN CRUTCHER, LLP  
8 333 SOUTH GRAND AVENUE  
9 47TH FLOOR  
10 LOS ANGELES, CALIFORNIA 90071

11 FOR CBS CORPORATION, NBCUNIVERSAL MEDIA, AND FOX:

12 STEVEN LIEBERMANN  
13 SHARON L. DAVIS  
14 BRIAN ROSENBLOOM  
15 ROTHWELL FIGG ERNST & MANBECK  
16 607 14TH STREET NW  
17 SUITE 800  
18 WASHINGTON, DC 20005

19 JENNIFER PARKER AINSWORTH  
20 WILSON ROBERTSON & CORNELIUS  
21 909 ESE LOOP 323  
22 SUITE 400  
23 TYLER, TEXAS 75711

24 FOR LOTZI DIGITAL: MATTHEW C. ACOSTA  
25 JACKSON WALKER  
901 MAIN STREET  
SUITE 6000  
DALLAS, TEXAS 75202

FOR THE PARTNERSHIP: M. DRU MONTGOMERY  
THE HEARTFIELD LAW FIRM  
2195 DOWLEN ROAD  
BEAUMONT, TEXAS 77706

ALSO IN ATTENDANCE: BRAD LIDDLE, PERSONAL AUDIO  
DAN WAN, CBS CORPORATION

COURT REPORTER: TONYA B. JACKSON, RPR-CRR  
FEDERAL OFFICIAL REPORTER  
300 WILLOW, SUITE 239  
BEAUMONT, TEXAS 77701

PROCEEDINGS REPORTED USING COMPUTERIZED STENOTYPE;  
TRANSCRIPT PRODUCED VIA COMPUTER-AIDED TRANSCRIPTION.

INDEX

PAGE

"MEDIA FILE"	8
"EPISODES"	8
"DOWNLOADING" PHRASES	19
"URL"	42
"STORAGE LOCATION"	53
"COMPILATION FILE" AND "ONE OR MORE PROCESSORS...FOR...FROM TIME TO TIME"	65
"EMPLOYING ONE OF SAID ONE OR MORE COMMUNICATION INTERFACES TO" AND "(C) THEREAFTER RECEIVE AND RESPOND TO A REQUEST FROM SAID..."	77
MOTION TO COMPEL	97

1 (OPEN COURT, ALL PARTIES PRESENT.)

2 THE COURT: For the record, we're here for the  
3 claim construction hearing in *Personal Audio versus Togi*  
4 *Entertainment* which is Case No. 2:13-13 on our docket.

5 Would counsel state their appearances for the  
6 record.

7 MR. WARD: Good morning, your Honor. John  
8 Ward for the plaintiff. At our table is Mr. Brad Liddle,  
9 our CEO and general counsel; Mr. Papool Chaudhari;  
10 Mr. Merton Thompson; and Jeremy Pitcock who will be doing  
11 our presentation, your Honor. We are ready to proceed.

12 THE COURT: All right. Thank you, Mr. Ward.

13 MS. AINSWORTH: Good morning, your Honor.  
14 Jennifer Ainsworth on behalf of the Defendants CBS  
15 Corporation, NBCUniversal Media, FOX Broadcasting  
16 Company, and FOX Networks Group; and with me are lead  
17 counsel Steve Lieberman --

18 MR. LIEBERMAN: Good morning, your Honor.

19 MS. AINSWORTH: -- Sharon Davis --

20 MS. DAVIS: Good morning, your Honor.

21 MS. AINSWORTH: -- Brian Rosenbloom --

22 MR. ROSENBLOOM: Good morning.

23 MS. DAVIS: -- and from CBS, Mr. Dan Wan.

24 MR. WAN: Good morning, your Honor.

25 THE COURT: Good morning. Thank you,

1 Ms. Ainsworth.

2 MR. SMITH: And, your Honor, for Defendant  
3 Howstuffworks.com, Michael Smith, Larry Phillips, and our  
4 lead counsel Mr. Jason Lo who will be presenting today.  
5 We are ready to proceed, your Honor.

6 THE COURT: All right. Good morning. Thank  
7 you, Mr. Smith.

8 MR. ACOSTA: Good morning, your Honor, Matt  
9 Acosta for Defendant Lotzi Digital, Inc.; and we are  
10 ready to proceed.

11 THE COURT: Thank you, Mr. Acosta.

12 MR. MONTGOMERY: Good morning, your Honor.  
13 Dru Montgomery, for a partnership consisting of Adam  
14 Carolla, Donny Misraje, and Sandy Ganz. We are ready to  
15 proceed, your Honor.

16 THE COURT: Thank you, Mr. Montgomery.

17 All right. I want to note for the record that  
18 earlier this morning we provided to counsel a set of  
19 preliminary constructions and I want to make sure  
20 everyone understands that the purpose of those  
21 constructions is not to predetermine the outcome of this  
22 but rather to focus the argument and the presentation on  
23 the issues that the parties have with where the court is  
24 now. These preliminary constructions represent our  
25 initial conclusions based on a review of the briefs and

1 the record, and we put them out there with the belief  
2 that we're willing to be talked out of any of these if  
3 the parties have contrary positions. So, I'm not trying  
4 to cut off any argument but rather simply to focus it and  
5 hope that it will help the court understand your  
6 positions better.

7 So, with that, I'll say that any party that  
8 wants to make a general presentation briefly about the  
9 overall matters involving the technology, you're welcome  
10 to do so. Otherwise, I'd appreciate it if we could  
11 present the arguments on a term-by-term basis. And I'll  
12 turn it over to the plaintiff first with that in mind.

13 MR. PITCOCK: Your Honor, we don't think  
14 there's any need for a technology tutorial; so, we're  
15 happy to defer to discussion of the claim terms.

16 THE COURT: Okay. Does anyone else want to  
17 take up something before we get to the terms?

18 MR. LIEBERMAN: Your Honor, the defendants are  
19 prepared to jump right into the claim terms.

20 THE COURT: Okay. Thank you. In that case,  
21 we'll go ahead and start.

22 Mr. Pitcock, if you want to address the first  
23 term.

24 MR. PITCOCK: So, I don't know if you want us  
25 to go back and forth on each term in the order presented

1 in the sheet, your Honor. Is that your preference?

2 THE COURT: I do want to go back and forth on  
3 each term; but if you have an order that you think would  
4 be the most productive to present the terms, you're  
5 welcome to take them on in any order.

6 MR. PITCOCK: Okay. I'm happy to go in this  
7 order, your Honor.

8 THE COURT: Okay.

9 MR. PITCOCK: I think it would probably be  
10 just as simple to go through it, and that would allow the  
11 defense to go back and forth.

12 We have no problem with your construction of  
13 either "episodes" or "media file." And, so, I will turn  
14 it over to the other side if they want to address those  
15 terms.

16 THE COURT: Let me ask you one general  
17 question, Mr. Pitcock.

18 MR. PITCOCK: Sure.

19 THE COURT: I saw in the briefs the note that  
20 all of these terms come from claim 31. Are there other  
21 claims that are asserted besides claim 31?

22 MR. PITCOCK: There are, your Honor. There  
23 are three dependent claims from claim 31, but claim 31 is  
24 the only independent claim.

25 THE COURT: 32 through 34, then?

1 MR. PITCOCK: Yes, correct.

2 THE COURT: Okay. All right. Thank you.

3 MR. LO: Good morning, your Honor. Jason Lo  
4 on behalf of the defendants. Let me begin by saying that  
5 with respect to "media file," the defendants take no  
6 position -- or have no problems with the proposal  
7 suggested by your Honor; and, so, we have no dispute on  
8 "media file."

9 With respect to the claim term "episodes," we  
10 don't think that the court's construction is incorrect  
11 insofar as what is there. In other words, we don't  
12 disagree that an episode is at least a program that is  
13 part of a series. I think the only dispute between the  
14 parties at this point is whether the word "audio" needs  
15 to be added in front of the court's proposed  
16 construction. Personal Audio takes the view that it does  
17 not need to be. We take the view that it does need to  
18 be. That's the only modification I think we are arguing  
19 about is whether to add the word "audio" in front of it.

20 THE COURT: And why would that term -- if  
21 "audio" needs to be in it, why would it be in "episodes"  
22 as -- you know, we addressed that in the "media file"  
23 term, but I'm wondering what it is about "episodes" that  
24 you think requires that the court address whether it's  
25 audio or not.



1 MR. LO: Sure. So, let me take it back one  
2 step. One of the disputes that have been at issue in  
3 terms of "episodes" was whether the phrase "episodes"  
4 must be coterminous with the term "media file." And I  
5 take it from the court's construction that the court is  
6 not taking the view that simply because those two terms  
7 are in the same phrase, one representing the other, they  
8 must necessarily mean the same thing.

9 The Federal Circuit has on multiple occasions  
10 said that claim terms in the claim limitations in the  
11 same claim are presumed to have different meanings. In  
12 even just everyday speaking, you know, we may say the  
13 phrase "legislator representing a district." That  
14 doesn't mean that the word "legislator" and the word  
15 "district" are coterminous with each other. They can  
16 represent one thing and have a different scope or a  
17 different typology. A legislator is a person; a district  
18 is an area defined by geographic boundaries. So, to  
19 begin with, I -- I don't think there's any dispute now  
20 between the parties and/or with the court that those two  
21 terms need not mean the same thing.

22 So, then the court's question is, well, if  
23 we're going to look at this from the perspective of  
24 whether it is audio only, why does that come into the  
25 word "episodes"? And I think that also goes with our

1 agreement with the court's construction. "Episodes" is  
2 where in the claims the patentee defines what type of  
3 program is at issue; and that's built into the court's  
4 construction that episode is talking about the  
5 programming that is at issue in the invention. It  
6 doesn't really appear in any -- that concept doesn't  
7 really appear in any other claim term other than that  
8 it's programming. And when we look at the type of  
9 programming that the patent is describing and that the  
10 inventor says "Here is the programming that I am claiming  
11 to be part of my invention," it is clear that he made  
12 clear that the programming at issue was audio  
13 programming.

14           We cited it throughout our brief, and it's  
15 really undisputed that these were the statements that  
16 were made. It comes up in the Field of the Invention.  
17 They say that it "relates to electronic information  
18 distribution systems and more particularly to a system  
19 for dynamically and interactively selecting and playing  
20 particular programs from a program library." So, that's  
21 what they're talking about. It's what kind of programs  
22 are at issue.

23           And when they go on to the Summary of the  
24 Invention, they say "The present invention takes the form  
25 of an audio program player." So, it goes back to the

1 word "program." It's used synonymously with the word  
2 "episode."

3 And when we get to what they describe as the  
4 preferred embodiment -- and that occurs in column 4 in  
5 the detailed description portion, starting at line 39,  
6 talking about what the patentee calls "the illustrative  
7 embodiment" -- the patentee says it "utilizes the  
8 Internet to provide communications between a host  
9 computer indicated generally at 101 and an audio player  
10 device illustrated at 103.

11 So, throughout the patent when they're  
12 defining what type of programming, they are trying to  
13 define what type of programming the players are intended  
14 to play, they are saying that it is audio programming;  
15 and that's why we think that the "audio" limitation goes  
16 in with the word "episodes."

17 We've provided to the court a copy of slides  
18 that we prepared for today's hearing, and I will refer  
19 the court first to page 6 of those slides.

20 THE COURT: All right.

21 MR. LO: In our briefing we cite to, among  
22 other cases, the *AstraZeneca* case and the *Retractable*  
23 *Technologies* case. And what we've done in Slide 6 is  
24 simply put side by side what the specification in  
25 *AstraZeneca* says and what the specification says in the

1 '504 patent. In *AstraZeneca* the inventors made a  
2 statement that "The present invention refers to," and  
3 they list six different types of salts. Importantly and  
4 relevant here, the claim language doesn't say anything  
5 about what kind of salt. It just says a "pure solid  
6 state alkaline salt." The Federal Circuit in that case  
7 said, you know, "We don't disagree that in ordinary usage  
8 'alkaline salt' is not limited to the six types of things  
9 that they listed in the specification." But, yet, the  
10 Federal Circuit concluded that when you say that the  
11 present invention refers to these six types of salts,  
12 that limits your claim even if your claim language is  
13 broader.

14 And here in the '504 patent, you have very  
15 similar language, "The present invention takes the form  
16 of an audio program player which automatically plays a  
17 predetermined schedule of audio program segments"; and  
18 you have similarly broad claim language. We don't  
19 dispute that if you were looking at this in a vacuum,  
20 without looking at the specification, the word "episodes"  
21 could have a broader meaning.

22 THE COURT: Now, you are -- what you're really  
23 after is a negative limitation, isn't it? That it's only  
24 audio.

25 MR. LO: That is correct, your Honor.

1 THE COURT: That it can't be more than that.

2 MR. LO: That's correct. And that's -- and  
3 the -- what your Honor is coining as the negative  
4 limitation is exactly what was at issue in *AstraZeneca*,  
5 and it's exactly what was at issue in the *Retractable*  
6 *Technologies* case. The question is: When you have claim  
7 language or claim terms that in and of themselves in a  
8 vacuum are broad, does the specification enlighten what  
9 those broad claim terms mean and in some cases does what  
10 you say in the specification limit what you can now call  
11 your invention as part of your claims? That's precisely  
12 the issue that's presented in both *AstraZeneca* and in  
13 *Retractable Technologies*.

14 On the next slide what we have done, your  
15 Honor, is again just compared the specification language  
16 that was at issue in *Retractable Technologies*. That one  
17 had to do with a syringe, and the question was does the  
18 syringe have a one-piece body or a multiple-piece body.  
19 And again the claim language is absolutely broad -- it  
20 just says you've got to have a body -- but the court  
21 looked at the summary of the invention which says "Here  
22 is what the invention is, it's a tamperproof syringe and  
23 the syringe features a one-piece hollow body and on the  
24 basis of those statements alone, the Federal Circuit  
25 found that your body -- claim limitations in the claims

1 are limited by what you said in the specification is your  
2 invention.

3           Personal Audio's brief never addresses the  
4 Summary of the Invention and what they call the  
5 "illustrative embodiment." I started the conversation by  
6 talking about the fact that "media file" and "episodes"  
7 do not have the same meaning. That was the primary --  
8 and, frankly, the only -- argument advanced by Personal  
9 Audio by saying that -- in saying that the phrase  
10 "episodes" should not be limited to "audio." They never  
11 addressed why the Summary of the Invention is here and  
12 the import of having that language in the patent. There  
13 are no cases to the contrary that they cite talking about  
14 what you do with the Summary of the Invention and the  
15 invention is X type of language in the patent.

16           Just two more things briefly about the cases  
17 *AstraZeneca* and about *Retractable Technologies*. First,  
18 as I mentioned earlier, your Honor, those cases clearly  
19 state that if you have something in the specification  
20 that defines what the invention is, that overrides the  
21 broad claim language. So, we don't start from the  
22 presumption that just because the claim language does not  
23 have any particular limitations built in, that somehow  
24 the burden is on us to show that there should be a  
25 limitation. In both of those cases the claim language

1 was equally vague and equally broad; and the Federal  
2 Circuit said, you know, if you've defined your invention  
3 in the beginning of your patent as X, that's what we're  
4 going to limit you to.

5           The other thing that *AstraZeneca* and  
6 *Retractable Technologies* both teach is that the  
7 specification overrides any argument of claim  
8 differentiation. So, in the *AstraZeneca* case, for  
9 example, I think there was a broader claim that just  
10 says -- the independent claim just says "salt"; and they  
11 actually had a dependent claim that says "salt meaning  
12 these six types of salt," which is, you know, precisely  
13 what the Summary of the Invention said the invention was  
14 limited to. So, even though you have both a broad claim  
15 and a narrow claim and you normally would have a claim  
16 differentiation argument, the Federal Circuit in both the  
17 *Retractable Technologies*, I believe in the *Verizon* case,  
18 and certainly in the *AstraZeneca* case says that doesn't  
19 override it. You start from the specification. That's  
20 what *Phillips* teaches us. If the specification says "My  
21 invention is X," that's what you're limited to even if  
22 you have a broader claim and a narrower claim that  
23 defines a smaller subset of the broad claim language.

24           I'll address one other issue quickly which is  
25 it -- the argument that Personal Audio makes in parts of

1 its brief is that in the specification, not in the  
2 Summary of the Invention, not in the part where they  
3 define the invention, talks about other types of files.  
4 They talk about text files, they talk about advertising,  
5 and things like that. We don't dispute that. That's  
6 absolutely there. But what we are saying is that the  
7 specification is clear that when it is talking about the  
8 programming, it's talking about audio programming. And  
9 when it's talking about things like text files and things  
10 like images and things like advertising, those are all  
11 things that perhaps in a dependent claim or something  
12 like that may accompany the audio programming but they  
13 are not a substitute for the audio programming nor are  
14 they what the invention defines to be the programming.

15 That appears most clearly on Figure 1, which  
16 is what we have up on the slide now. We'll zoom in a  
17 little bit so that the court can see that.

18 In Figure 1, which again is described as being  
19 the "illustrative embodiment," you can clearly see, your  
20 Honor, that what they do is they separate the audio  
21 programs, being 131, and other types of data and other  
22 types of files that may be stored in other databases, 132  
23 being announcements and 133 being text. So, all of those  
24 things are in addition to audio programming that you may  
25 choose to send over to the user. But when the patent and



1 the claims are talking about the programming, they are  
2 talking precisely and narrowly about audio programs. And  
3 that appears throughout the claim -- I'm sorry --  
4 throughout the specification as well.

5 In column 6, lines 9 to 11, they say  
6 "database 131," which is what we just saw was the audio  
7 programming, (reading) may be accompanied by text  
8 transcripts in text database 133. So, the specification  
9 distinguishes between the audio programming database and  
10 the text database and says that one may accompany the  
11 other but it makes a -- it draws a very clear distinction  
12 between those two things and it says that they are very  
13 different.

14 So, that -- those portions of the  
15 specification do not override what they say as part of  
16 the Summary of the Invention. In fact, it confirms our  
17 view that because they knew that there were other types  
18 of programming that were possible -- in other words, you  
19 could have text, you could have -- you could have images,  
20 and things like that -- and they described that in other  
21 aspects of the specification. Yet, when they're talking  
22 about what our invention is, they were very precise and  
23 very narrow at not covering the other types of data  
24 files. That's why the word "episodes" and the word --  
25 and the concept of programming in this patent should be

1 limited to audio programming.

2 And I'll stop there unless the court has any  
3 other questions.

4 THE COURT: No. I appreciate that.

5 MR. LO: Thank you.

6 THE COURT: Do any of the other defendants  
7 want to be heard on that term?

8 MR. LIEBERMAN: No, your Honor.

9 THE COURT: All right. In that case,  
10 Mr. Pitcock, you may respond.

11 MR. PITCOCK: I guess just briefly, your  
12 Honor. Looking at the same slide that's up here, program  
13 segments may likewise consist of audio, text and/or image  
14 segments. I mean, there it's clearly drawn, in the part  
15 of the spec that they're citing as well as all the parts  
16 that we cite, that a program can consist of all different  
17 types of data. And, in fact, the episodes are  
18 represented by the media files which they don't dispute  
19 can contain things other than audio. We're not arguing  
20 that you don't have to have audio.

21 And the difference between these -- our case  
22 and *AstraZeneca* and some of the other things is nowhere  
23 in the specification does it go on to say, "Oh, and in  
24 addition to those six that we concentrated on, you could  
25 also do this, that, and the other. You could also use

1 this alkaline salt." Instead, there was nothing in the  
2 specification that would indicate that you could do  
3 anything else. Here the specification is replete with  
4 references to adding things to the audio data. And  
5 that's the main difference between those cases and this  
6 one.

7 THE COURT: All right. Thank you,  
8 Mr. Pitcock.

9 MR. PITCOCK: So, on the third one, which is  
10 the "downloading" phrases, your Honor --

11 THE COURT: Yes.

12 MR. PITCOCK: -- we essentially don't have  
13 anything to address this other than just one sort of  
14 nitpicky point because we construed these together and we  
15 were trying to narrow the dispute which appeared to be  
16 whether the transferred data had to be stored at the  
17 local device or not. I just don't want there to be any  
18 confusion in the record.

19 I mean, technically the first phrase talks  
20 about "downloading a data file." So, it doesn't have to  
21 have any antecedent basis like a "the" would normally  
22 imply.

23 And then the second phrase talks about  
24 "downloading said concentration files"; so, "the" would  
25 be appropriate.

1           We just wanted to, you know, for the record  
2 note that technically in the first phrase it should be  
3 "a" file and then the second phrase should be "the" file.

4           THE COURT: All right. Thank you,  
5 Mr. Pitcock.

6           MR. LIEBERMAN: Good morning, your Honor.  
7 Steve Lieberman.

8           Unlike the "episodes" term that Mr. Lo  
9 addressed, the term "downloading" has and had at the time  
10 the patent application was filed a specific meaning, a  
11 specific and narrow meaning. "Downloading" at that time  
12 was known to be different from "streaming."

13           If I could ask you to go to Slide 19, Brian,  
14 in the book we provided to the court.

15           It was well known at the time the patent  
16 application was filed that there were two very distinct  
17 ways of transferring data, and I'd like to use some  
18 commonly known technology at least if you have a -- or  
19 have had a teenager in the house, that's a commonly known  
20 technology to illustrate the point. And on the one hand  
21 you've got an iPod where people can download songs to the  
22 iPod and the songs are there permanently, at least until  
23 your iPod breaks and then you go in crying to the Apple  
24 store trying to get your songs back. The songs are there  
25 permanently.

1           So, if, for example, you were on an airplane  
2 that was not equipped with Internet service and you had  
3 an iPod, you could listen to your songs. They have been  
4 downloaded and they're stored permanently, as opposed to  
5 media that is streamed. And the example there that is  
6 probably best known is Netflix. When people get a movie  
7 from Netflix, the movie is streamed to them. It's live.  
8 They can watch it. But when they're finished watching  
9 it, it's gone. Poof, it's not in their memory; it's not  
10 in their device. So, if again you were on this airplane  
11 that does not have Internet service and you were trying  
12 to watch a streamed movie, you could not do that because  
13 the movie -- even if you had watched the movie let's say  
14 the day before, if the movie were streamed to your  
15 device, it is no longer on the device. So, when you're  
16 on the airplane and you say "I'd like to watch this movie  
17 again," there's no movie to watch.

18           We provided, with our claim construction  
19 brief, a 1997 article from Jonas which makes clear that  
20 the distinction between downloaded media and streamed  
21 media was well known; and the definition of those two  
22 terms from the Jonas article is on Slide 19.

23           There's also a discussion in the *Real Networks*  
24 *versus Streambox* case, which was not a patent case, that  
25 talked about the difference between streaming and

1 downloading. And the court there explained in contrast  
2 the two, "When an audio or video clip is 'streamed' to a  
3 consumer, no trace of the clip is left on the consumer's  
4 computer. Streaming is to be contrasted with  
5 'downloading,' a process by which a complete copy of an  
6 audio or video clip is delivered to and stored on a  
7 consumer's computer."

8 And I would note that if you're looking for  
9 further confirmation as to what this term means or meant  
10 at the time, Personal Audio had produced to us in this  
11 case -- and we attached as Exhibit 8 to our submission --  
12 Exhibit H to our submission -- a dictionary definition of  
13 "download." This was a dictionary definition that they  
14 produced which reads, quote, to copy or transfer data or  
15 programming into the memory of one's computer from  
16 another computer, end quote.

17 So, the question is should the construction --  
18 the court's construction of "download" make it clear that  
19 it does not include streaming. And that is the reason  
20 that we proposed the additional language which is not  
21 included in the court's tentative claim construction, the  
22 language reading, quote, to the requesting client device  
23 for nontemporary storage and later use.

24 The "nontemporary storage" is intended to  
25 distinguish downloading from streaming. And the reason

1 we didn't say in our construction "downloading," open  
2 paren, "which doesn't include streaming" is because you  
3 can't define claim terms in that way. As your Honor  
4 knows, you can't do it in that explicit negative way.  
5 So, we added in language about "nontemporary storage" to  
6 make clear that downloading does not include streaming.

7 THE COURT: And "nontemporary" is not  
8 negative?

9 MR. LIEBERMAN: What I -- you're absolutely  
10 right, your Honor. We could say "permanent storage." I  
11 mean, we would be fine with that, which would eliminate  
12 the negative.

13 So, let's look again as to what the word  
14 "downloading" meant to the patentee; and again I want to  
15 stay with the claim language. If we go to Slide 21,  
16 during the prosecution history -- and I'm going to be  
17 talking about the prosecution history, with the court's  
18 indulgence, in a few moments -- the patentee repeatedly  
19 distinguished during the prosecution of this patent  
20 "downloading" from "streaming." And that's because there  
21 were several references, including the Clanton reference  
22 and the Gabbe reference, that the examiner said were  
23 problematic prior art for them; and they attempted to  
24 distinguish and successfully distinguished over the prior  
25 art by saying "But those references involved streaming.

1 They did not involve downloading. They did not involve  
2 storing." That was the difference.

3 Now, Personal Audio makes an argument that if  
4 you adopted our proposed construction, that would render  
5 superfluous the "storage" language in the nonasserted  
6 independent claims, claims 1, 8, and 23. It's sort of a  
7 claim differentiation argument, but they didn't  
8 characterize it that way. But I want to address it both  
9 the way they phrased it and in the context of claim  
10 differentiation. If your Honor were to look at claim 1  
11 or claim 8 or claim 23, the three nonasserted independent  
12 claims, in each case when the word "storing" is used in  
13 those claims, it is used specifically to say where the  
14 information is stored; that is, it is stored "in said  
15 digital memory." So, Slide 22 has the language from  
16 claim 1. Each time the word "storing" is used, the  
17 phrase "in said digital memory" follows that.

18 On Slide 23, it's the same thing for claim 13.  
19 After the word "storing" is used, the phrase "in said  
20 digital memory" occurs.

21 And then on slide -- and then the same thing  
22 is true with respect to claim 23, your Honor.

23 That is what the -- what claims 1, 8, and 23  
24 are telling you when it uses the word "storage" is it's  
25 telling you where this information is stored. That's



1 important because there are a number of locations that  
2 the patent specification identifies where data can be  
3 stored. So, for example, on Slide 24 we give two  
4 examples from the patent specification where information  
5 can be stored. One is in "a removable media cartridge,"  
6 and the other is in "an optical disc cartridge." But  
7 claims 1, 8, and 23 were limited to the storage "in the  
8 said digital memory."

9 So, the argument that saying that downloading  
10 requires as part of it storage in nontemporary or, if you  
11 wish to eliminate the negative, permanent memory does  
12 nothing to render superfluous the "storage" language in  
13 the other claims which are not being asserted.

14 I'd now like to direct -- I don't know if the  
15 court has questions about the claim language. I wanted  
16 to move into the specification, if that's --

17 THE COURT: That's fine.

18 MR. LIEBERMAN: -- convenient for the court.

19 So, turning to Slide 25, the specification in  
20 this case makes very clear that the invention was  
21 "providing a subscriber with the ability to load audio  
22 programs into an audio player and then play those audio  
23 programs upon request at a later time." There is  
24 repeated reference to local -- "the local mass storage  
25 unit to enable the user to easily move from program

1 segment to program segment," et cetera. And we have  
2 something to play for the court that we learned about  
3 yesterday.

4 On Tuesday of this week, your Honor, on  
5 April 22nd, a Canadian broadcasting company broadcast an  
6 interview with the first named inventor Mr. Logan.  
7 Mr. Logan is not only the first named inventor; he has  
8 been involved with Personal Audio throughout this entire  
9 process. He's a major -- at least his family trust is a  
10 major co-owner. And he described exactly what his  
11 invention was. He was asked the question in the  
12 interview, "What was the original idea that you came up  
13 with?" And we have a 1-minute-and-26-second clip we'd  
14 like to play from that interview. Then I'm going to show  
15 how what Mr. Logan is describing in 1 minute and 26  
16 seconds is exactly what the specification shows that the  
17 Personal Audio invention -- invention was. If I might  
18 play that, your Honor.

19 THE COURT: Is that something that's been  
20 disclosed?

21 MR. LIEBERMAN: We just got it yesterday, your  
22 Honor. We don't have a transcript. We can provide the  
23 URL to the plaintiff. I had my secretary last night type  
24 up a transcript of this minute and 26 seconds. I haven't  
25 proofed it yet. I can submit it to both parties -- I can

1 submit it to the court and the plaintiff tomorrow.

2 THE COURT: Mr. Pitcock?

3 MR. PITCOCK: I would object to it both as  
4 being very late, not clearly relevant. I don't know --  
5 he's got several patents. I don't know if he's referring  
6 to this one or not. I haven't seen the transcript yet.  
7 And I would also say this is extrinsic evidence of sort  
8 of the highest order, you know, to take a hearsay  
9 statement and a radio interview, a nontechnical thing,  
10 and try to introduce it as evidence of claim  
11 construction.

12 THE COURT: Well, Mr. Lieberman, I'm going to  
13 sustain the objection of the plaintiff to playing it at  
14 this time. You can meet and confer with them about it  
15 and if you don't get an agreement, you can file a motion  
16 to supplement the record and I'll take up the issues on  
17 it. But I agree that with them not having any way of  
18 knowing the origin of this and the authenticity of it  
19 and -- anyway, I don't think it's proper to play it at  
20 this time. I understand completely that you just got it  
21 and I don't hold it against you that it's being offered  
22 at this time, but I will sustain the objection.

23 MR. LIEBERMAN: Okay. I do note, your Honor,  
24 this did appear only on Tuesday. It was only published  
25 on Tuesday. We will comply with your Honor's

1 instructions.

2           Should the court grant the motion for the  
3 supplementation of the record, we would ask the court to  
4 look at how Mr. Logan described his own invention and  
5 compare it to what we have said the specification says  
6 about the invention. They are literally identical.

7           THE COURT: I am pretty sure that you would  
8 not want a general practice to be that we hear from the  
9 inventor as to what he intended the scope of his  
10 invention to be at *Markman* hearings generally, but I will  
11 consider your --

12           MR. LIEBERMAN: I understand the point, your  
13 Honor; and I understand that inventor testimony is less  
14 important in determining what the patent claims mean than  
15 the specification. So, let me move directly to the  
16 specification.

17           THE COURT: Okay.

18           MR. LIEBERMAN: If we look at Figure 2 in the  
19 specification, Slide 27, Figure 2 makes clear exactly  
20 what --

21           Let's go back one page, Brian -- sorry -- to  
22 Slide 26.

23           The second bullet point on Slide 26 uses  
24 the -- quotes the specification using the words "the  
25 invention," (reading) in accordance with the invention,

1 it is desirable to download the equivalent of a full  
2 session's programming in addition to the current  
3 schedules session programs so that, in the event of a  
4 temporary communication link or host failure, programming  
5 will nonetheless be available.

6           There are a multitude of examples on the pages  
7 in here -- all these specification cites were in our  
8 brief -- making clear that the purported invention was to  
9 allow a user to download onto his device materials so  
10 that the user when in his car or some other place could  
11 then play back the programs that he or she wished to  
12 hear. That required downloading as that term was known  
13 at the time, which meant inclusion in nontemporary or  
14 permanent storage. It did not mean streaming because if  
15 the material was steamed, it would be immediately gone  
16 after the streaming. It had to be stored. Otherwise, it  
17 could not be used in accordance with the invention. So,  
18 if you look at Figure 2, Figure 2 sets out the process.

19           The second box on Figure 2 is downloading  
20 programming and catalog updates. The next box down is  
21 editing the download; that is, the specification talks  
22 about being able to -- let's say the audio programs or  
23 the songs that somebody wished to listen to in the order  
24 that person wished to listen to them. And then the next  
25 box down is playback sessions. You can only play back

1 something that's been downloaded. You can't play back  
2 something that's been streamed because after it's been  
3 streamed, it's gone. It's not there.

4 The specification also teaches that an  
5 important part of the invention was that the request from  
6 the user could come at any time. Specific examples given  
7 in the patent specification were, for example, the one I  
8 just gave about when you were in an automobile. So, if  
9 you look at column 7, line 58, it talks about (reading)  
10 to facilitate the use of the system in an automobile, the  
11 files are downloaded from the host. They may be stored  
12 on a replaceable media and then played. They had to be  
13 stored, or it wasn't consistent with the described  
14 purposes of the invention.

15 Now, there are 97 different places in the  
16 specification in which the word "download" is used. That  
17 is before we get to the claims. The plaintiff has  
18 referred to only two parts of that specification -- and I  
19 want to address both of them -- to argue that something  
20 in the specification says that what the invention is  
21 meant to encompass is something other than downloading  
22 when you have nontemporary or permanent storage.

23 The first -- and this is on Slide 30 -- is at  
24 column 5, lines 45 to 53 of the patent. And the language  
25 that Personal Audio cites is this language "The player

1 103 further includes a conventional high speed data modum  
2 for receiving (downloading) the program information from  
3 the remote server and for transmitting (uploading)."  
4 They argue from that that the specification has defined  
5 "downloading" to mean "receiving."

6 If you look closely at the language that  
7 immediately follows that sentence in the specification, I  
8 believe it's clear that the word "receiving" and on the  
9 next line the word "transmitting" simply talks about the  
10 direction that data is going; that is, the player  
11 receives data from a server in response to the  
12 transmission -- I'm sorry -- in response -- and the  
13 uploading is the transmission of the program selections.  
14 It's talking about the direction. It's not a definition.

15 Now, we know this is true because the  
16 receiving is done by -- "for receiving (downloading) the  
17 program information from the remote server 101." Just a  
18 few lines down the specification talks about (reading)  
19 the host server 101 storing and maintaining a plurality  
20 of data files including a program data library. So, this  
21 portion of the specification again just talks about the  
22 definition of the direction the download, the  
23 information, is going from the server to the user.

24 The other portion of the specification, your  
25 Honor, that Personal Audio cited to, and the only other

1 portion of the specification, was on the bottom of  
2 column 14 and the top of column 15; and it has to do with  
3 the reference to what happens when a user wishes to  
4 download and play at the same time. So, this is  
5 column 14, line 63; and it goes over to the next page.

6 And as the specification says, if we start at  
7 the beginning of that paragraph, at line 63, (reading)  
8 when a communications pathway such as the Internet is  
9 available to connect the player. So, a person is in a  
10 hotel lobby and Internet is available. And then No. 2,  
11 but he needs to download a needed but locally unavailable  
12 segment; that is, he wishes to get something and he's got  
13 Internet service. What happens? The downloading and the  
14 playing may proceed concurrently; that is, he can  
15 download and while the information is being downloaded,  
16 he can also play.

17 Now, this is again something that I understand  
18 teenagers are very familiar with. When you buy a movie  
19 from iTunes, for example, you download the movie, you pay  
20 your \$15 for the movie, but particularly if it's a high  
21 definition movie, it takes awhile to download. There is  
22 an option that is then made available to people "would  
23 you like to watch this while it is being downloaded"; and  
24 if you click "yes," you can watch it. And that's the  
25 purpose of the memory buffer. It's to allow you to watch



1 it while it's being downloaded.

2 But the point is these two words are separate,  
3 "downloading" and "playing." The downloading and playing  
4 both occur at the same time. The buffer helps with the  
5 playing; but the downloading, it goes into the permanent  
6 storage or the nontemporary storage. So, that's the only  
7 other place that Personal Audio cites in the  
8 specification in support of their proposed construction.

9 And by the way, I will mention that they  
10 didn't make this argument or cite the relevant portion of  
11 the specification in the relevant brief. It was only  
12 made in the reply brief. And I know that's something  
13 that's disfavored in the Federal Circuit. But their  
14 argument is substantively incorrect because the phrase is  
15 "downloading and playing."

16 So, what sort of expert testimony, if any, is  
17 there in this case about what the word "downloading"  
18 means? In the prosecution history, your Honor, there was  
19 distinguishment of certain of this -- the streaming prior  
20 art. We put in a declaration from Dr. Adam Porter, and  
21 the plaintiff deposed Dr. Porter. In the Porter  
22 declaration, Dr. Porter explained that when the reference  
23 was made -- he explained what "streaming" meant in the  
24 context of the prosecution history and that when you  
25 streamed something, it did not go into permanent memory;

1 that is, it would be transmitted and then it would be  
2 gone after it was watched.

3 Now, when plaintiff deposed Dr. Porter, they  
4 asked him a question. They asked him a question about  
5 the meaning of "streaming" versus "downloading."  
6 Dr. Porter's answer is at page 35 of the slides.

7 MR. PITCOCK: Objection, your Honor. Object.  
8 This testimony that Mr. Lieberman is trying to read into  
9 the record now was not contained in Mr. Porter's report;  
10 and if you look at his deposition, I specifically asked  
11 him on page 88, line 22, "Are you planning on offering  
12 any opinions on the meaning of the term 'downloading' at  
13 the claim construction hearing?"

14 "ANSWER: I haven't been asked to do anything  
15 like that.

16 "QUESTION: Have you been asked to give an  
17 opinion on the meaning of any of the terms of the  
18 patent-in-suit?

19 "ANSWER: I have not.

20 "QUESTION: And you haven't reviewed the  
21 specification of the patent-in-suit in order to try to  
22 determine what you think the meanings of those terms are;  
23 is that fair?

24 "ANSWER: I have not done that. I have not  
25 been asked to do that."

1           So, the testimony that Mr. Lieberman is  
2 seeking to elicit was solely drawn because this witness  
3 put in what appeared to be a disclaimer argument that the  
4 ordinary meaning of "downloading" which wouldn't require,  
5 you know, storing in memory was somehow disclaimed during  
6 the prosecution history. He never gave a report and he's  
7 never given an opinion nor has he looked at any of the  
8 relevant materials in order to offer his opinion on the  
9 construction of this term and I object to it being  
10 offered.

11           THE COURT: Mr. Pitcock, explain to me how  
12 this excerpt is different from the previous slide in  
13 terms of what Dr. Porter is saying. I --

14           MR. PITCOCK: Because what he is trying to  
15 introduce, your Honor, is Dr. Porter's throwaway  
16 testimony at his deposition on the ordinary meaning of  
17 "downloading" because they didn't elicit that in his  
18 report. In his report all he says is "I believe there  
19 was a disclaimer of the meaning of 'downloading' that  
20 occurred in the prosecution history because it was  
21 distinguished from 'streaming.'" Now, obviously we don't  
22 agree with that argument. You know, what was being  
23 distinguished from "streaming" was storing the data on a  
24 digital memory. But he never offers an opinion in his  
25 report, never gives the basis for an opinion in his

1 report on what one of ordinary skill in the art would  
2 have thought was the ordinary meaning of "downloading" at  
3 the time this patent was filed.

4 THE COURT: All right. I'm going to overrule  
5 the objection; but I will state that I am not going to  
6 consider this testimony as expanding on the opinions  
7 expressed in his report, that I'm going to limit the  
8 effect of his testimony to the opinions he expressed in  
9 his report. And if this is simply an explanation of  
10 those opinions, then it will be considered as such.

11 MR. LIEBERMAN: We believe it is, your Honor.

12 THE COURT: All right. Go ahead.

13 MR. LIEBERMAN: We will note that there was --  
14 although plaintiff had Dr. Porter's declaration for many  
15 weeks before their claim construction brief was due, they  
16 did not provide any expert testimony on this issue. So,  
17 Dr. Porter's testimony is un rebutted by any expert. It's  
18 also completely consistent with the file history, the  
19 specification, the Jonas article, and the opinion that we  
20 cited to your Honor discussing the difference between  
21 "streaming" and "downloading."

22 Turning to the prosecution history on  
23 Slide 36. And we're not making a disclaimer argument.  
24 The argument that we're making is that the prosecution  
25 history buttresses the plain meaning -- the explanation

1 as to what the plain meaning of the word "downloading"  
2 is. That is, we're not saying that plaintiff is giving  
3 up some portion of what the ordinary meaning of the word  
4 "downloading" is through the prosecution history  
5 although, you know, if the court were to say that  
6 "downloading" really did have such a broad meaning as the  
7 plain and ordinary meaning -- and I don't believe there's  
8 any evidence to support that; but if the court were to  
9 believe that to be the case, I think this would be a  
10 disclaimer. But our view is that all of the evidence is  
11 that downloading is different from streaming and it has  
12 that component of storage in nontemporary memory. And  
13 this is confirmed by seven different instances in the  
14 prosecution history where the patentee specifically  
15 distinguished its invention, the downloading, from the  
16 prior art references on the basis that they involved  
17 streaming.

18 Now, Personal Audio -- not only did Personal  
19 Audio do this seven times in three different submissions  
20 to the patent office, three times -- and this is on  
21 Slide 38 -- they told the examiner that claim 31 was  
22 allowable over the prior art showing streaming, quote,  
23 for the same reasons advanced with respect to claims 1  
24 and 8. They said the exact same reasons apply with  
25 respect to those other claims as apply with respect to

1 claim 31. They said it three times, and the three  
2 statements are on Slide 38 that we provided to your  
3 Honor.

4 The response from Personal Audio was this  
5 (reading) is boilerplate language designed to move the  
6 prosecution case forward and it should be disregarded. I  
7 think your Honor is certainly more familiar than I with  
8 the consequences of making statements during patent  
9 prosecution; and we would ask the court to hold Personal  
10 Audio to what it said about the meaning of "downloading"  
11 which is, we believe, exactly what they were doing.

12 If your Honor has questions, I'd be happy to  
13 answer them.

14 THE COURT: No. I appreciate that. I'd like  
15 to hear the response from the plaintiff.

16 MR. LIEBERMAN: Thank you, your Honor.

17 THE COURT: Thank you, Mr. Lieberman.

18 MR. PITCOCK: So, just in response, it should  
19 be noted that we introduced the testimony of a  
20 third-party prior art witness that was actually  
21 subpoenaed by the defendants, who testified that  
22 streaming was downloading, that that was the meaning to  
23 one of skill in the art at the time and now. It's a term  
24 that if you look at this portion of the specification  
25 which Mr. Lieberman glosses over and tries to argue that

1 for some reason we're not allowed to cite different parts  
2 of the patent specification in rebuttal to his argument  
3 that the specification always teaches, you know,  
4 permanent storing of data, this is a place where it talks  
5 about a memory buffer, which is temporary storage, and it  
6 refers to it as "downloaded information." So, it's  
7 specifically using the term "downloaded" to mean  
8 "transferred" as the patentee does in other places in the  
9 specification which Mr. Lieberman cites.

10 And I guess just one other point. I mean, he  
11 tries to draw a distinction between -- and he does it for  
12 the first time here today. I don't think it was in any  
13 of his briefing but he tries to distinguish, you know,  
14 optical cartridges and other things from digital memory  
15 and all of those would be digital memory. I mean, that's  
16 not -- that's not a distinction. That doesn't get you  
17 around the claims differentiation problem.

18 Again, this is where the patentee explicitly  
19 defines "downloading" as "receiving data." It says  
20 nothing about storing it.

21 And the prosecution history actually doesn't  
22 support their argument. Their argument is that we use  
23 downloading -- we argue that the term "downloading" meant  
24 "storing." But we actually didn't. All seven of those  
25 times that are in the prosecution history we are

1 distinguishing "storage" from "streaming." We are not  
2 distinguishing "downloading" from "streaming." And, in  
3 fact, there would be no reason to make these arguments  
4 about storage which only appears in claim 1 -- there  
5 would be no reason to make those arguments about storage  
6 if "downloading" meant you had to store it at the local  
7 device anyway. There would be no -- this argument would  
8 make no sense if "downloading" meant you had to store it  
9 anyway. And nowhere is "downloading" distinguished --  
10 so, every single time it is not "downloading" that is  
11 being distinguished from -- that's not the term that's  
12 being distinguished. It's "stored."

13           You know, Clanton and these prior art  
14 references don't teach storing in the memory; they don't  
15 teach storing. Gabbe does not store.

16           (Reading) Clanton's set box streams media from  
17 the server and does not store.

18           (Reading) Gabbe's table of contents is  
19 streamed to the workstation but not stored.

20           That storage argument is just not present with  
21 respect to claim 31. And if you look at the prosecution  
22 history, which their -- their expert did not, you'll  
23 realize that that's just not a limitation in claim 31.  
24 We know where it requires storage of the downloaded  
25 information, at a client device, which makes perfect



1 sense since this is a server side apparatus claim. You  
2 know, trying to dictate what would happen at the local  
3 device would make no sense.

4 THE COURT: All right. Thank you,  
5 Mr. Pitcock.

6 MR. LIEBERMAN: Just very briefly, your Honor.  
7 The argument regarding the other places referred to in  
8 the specification where data can be stored is in our  
9 claim construction brief at pages 15 and 16; and we would  
10 simply refer your Honor, with respect to the prosecution  
11 history, to those three amendments. We think the  
12 amendments are very -- the three patent office responses  
13 are very clear on their face. The responses are  
14 distinguishing the streaming prior art from the claimed  
15 invention which involves downloading and downloading  
16 requires storage.

17 And again with respect to the buffer argument,  
18 column 14, the language of the specification is  
19 "downloading and playing." The buffer is used for the  
20 playing. That's what buffers are used for. It's not --  
21 it has nothing to do with the downloading itself. The  
22 downloading requires storage in nontemporary or permanent  
23 memory.

24 THE COURT: All right. Thank you.

25 MR. LIEBERMAN: Thank you, your Honor.

1 THE COURT: I understand the arguments.

2 MR. PITCOCK: Subject to any argument by the  
3 defendants, we agree with the construction of "URL" and  
4 believe that "storage location" has a plain and ordinary  
5 meaning and don't have anything to add other than that  
6 would appear to be the ordinary meaning of those terms to  
7 one of skill in the art as we set forth in the brief and  
8 as admitted by the defendants' expert at his deposition.

9 THE COURT: All right. Thank you,  
10 Mr. Pitcock.

11 MR. LO: Your Honor, Jason Lo on behalf of  
12 defendants.

13 We start this discussion with something that I  
14 think we agree on both sides of the podium which is that  
15 the term "URL" is short for "universal resource locator."  
16 Just three words. And in those three words alone I think  
17 a layperson would understand that there's something  
18 standardized or universal about this locator, that it's  
19 supposed to help you locate something, and that  
20 "something" is some kind of a resource. So, everybody  
21 agrees what "URL" stands for and that it's got some vague  
22 meaning even to laypersons not familiar with the  
23 intricacies of the Internet; and, yet, both sides cited  
24 construction of this term.

25 We've not really heard Personal Audio

1 articulate what it is that they sought to clarify from  
2 the term "universal resource locator." From the  
3 defendants' perspective, we have a pretty modest  
4 proposal. We think that if we're going to construe this  
5 term "URL," we ought to try to at least answer two basic  
6 questions. No. 1, what is the resource that you are  
7 attempting to locate; and, No. 2, what is the address or  
8 what is it that is supposed to help you locate that  
9 particular resource? Any construction, if we're going to  
10 try to expand and explain what the term "URL" means,  
11 should try to answer one or both of those questions.

12           With respect to the first question, in other  
13 words, what is the resource that is being sought to  
14 locate it, we don't have a problem with the court's  
15 construction from the abstract. Obviously "URL" stands  
16 for "universal resource locator," and it's supposed to  
17 help you locate some kind of resource. But I think we  
18 can help define that a little bit more clearly, and I  
19 don't think this part is in dispute.

20           In the claim language in which "URL" is being  
21 used, it's not just any resource. I don't dispute that  
22 in other context that URL can be used to locate other  
23 types of resources; but when we're talking about this  
24 patent and these claims, the only types of resource that  
25 are being sought to be located are files. They're data

1 files, they're media files, they're compilation files --  
2 media files, compilation files and media files.

3 We've listed in Slide 45 -- this is just all  
4 taken from claim 31 -- the only instances in which "URL"  
5 is used in claim 31, and I think it's consistent with the  
6 only usage of the term "URL" in the specification. So,  
7 one modification we have proposed for the court's  
8 proposed construction is to replace the word "resource"  
9 with "file."

10 THE COURT: Mr. Lo, since the claim language  
11 itself in every place where the term "URL" is used  
12 specifies what the resource is and it's different each  
13 place it's used, why should we attempt to include that in  
14 the definition of "URL"?

15 MR. LO: Because that is precisely the dispute  
16 between the parties is -- as I understood Personal  
17 Audio's position in the papers -- I know it's not  
18 explicit -- I don't think they necessarily agree that a  
19 URL only has to refer to a file. That is the  
20 disagreement. We believe that the claims make clear that  
21 anytime when you're using URL it's used to identify a  
22 file. We don't purport to inject into our construction  
23 the particular type of file. So, all we're saying is  
24 it's got to be a generic file and then we'll leave it to  
25 the claim limitations to say whether it's a data file, a

1 media file, or a compilation file, but it should be a  
2 file and --

3 THE COURT: Well, tell me what your fear is  
4 that they will argue a URL applies to if not the language  
5 set out in the claim itself.

6 MR. LO: Sure. And that comes from their very  
7 proposed construction itself. Their proposed  
8 construction.

9 Would you go back to just 44, Brian?

10 Their proposed construction says "resource"  
11 and in parentheses "as a document or website." So, one  
12 thing that I think they're trying to put in is "website"  
13 or "document" and I don't know if that's the same thing  
14 as a file or whether that's what they intended, but  
15 they're clearly deviating away from the claim language in  
16 their proposed construction. And I don't know the reason  
17 for it, but I can only suspect that there is a  
18 infringement or invalidity rationale for deviating from  
19 the claim language.

20 THE COURT: All right. Well, I'll address  
21 that with them in a moment.

22 MR. LO: Okay. So, that's the first question  
23 which is "what kind of resource are you trying to  
24 locate"; and we think that the claim language is very  
25 clear. It says "file." And we have different types of

1 files, which I don't dispute what your Honor is saying;  
2 and we don't purport to try to define what particular  
3 type of file it is.

4           Then the second question that we think ought  
5 to be answered if we're going to try to improve upon  
6 "URL" is how are we going to locate that particular  
7 resource, what does the address look like? And again we  
8 are not trying to be exclusive in our definition, but we  
9 are saying -- and I don't think there's any disagreement  
10 in the patent specification or in the extrinsic evidence  
11 shown by Personal Audio -- that all files have some kind  
12 of a file name and a path associated with it. If you're  
13 going to store it, whether it's on the court's computer  
14 system, it's on my computer, it's on the Amazon or the  
15 IBM website, every file in the world that is stored has  
16 some of kind of a file name and a path associated with  
17 it; and the address should include at least those two  
18 basic things that are required to locate a file. It may  
19 have other things. You could have, for example, in  
20 addition to that, the size of the file, the date of the  
21 file, and things like that but we're not trying to be  
22 exclusive about how you can locate it, but we're just  
23 saying that as a baseline indicator, if we're going to  
24 tell the jury and explain to the jury what a URL is, we  
25 ought to just tell them here's the type of resource that

1 are at issue and here are the basic types -- minimal  
2 types of information that one needs in order to locate a  
3 particular specific file.

4 THE COURT: Okay. Tell me again what your  
5 concern is that the jury might conclude if we don't tell  
6 them how URLs work.

7 MR. LO: Sure. And that comes up also in  
8 their construction. So, for example, one thing that they  
9 said was you could have a web page as a URL and if we  
10 looked at, for example, the court's website, we'll see  
11 that, you know, there are numerous pages and within them  
12 you may have files that are accessible -- a standing  
13 order of some kind, the court's calendar or another --  
14 and if you are simply saying that a website to -- a  
15 website location -- for example, just to the  
16 ed.texas.uscourts.com website -- that doesn't really tell  
17 me where a particular file is. What you need to do is to  
18 be more specific.

19 So, what we are trying to do is drill down so  
20 that we prevent an instance where what they are claiming  
21 is something that is very top level, very vague and  
22 saying that, well, somewhere if you then navigate through  
23 those pages, you'll be able to find a particular file.  
24 That's not what the claims are saying. That's not what  
25 URL is meant to be. A URL is supposed to be a specific

1 address for a specific, in this instance, file; and, so,  
2 you have to tell us where we can find that specific file.

3 THE COURT: All right. I understand your  
4 argument.

5 MR. LO: Thank you.

6 MR. PITCOCK: So, just to address this, I  
7 mean, as specifically as I can, a URL can be an address  
8 for a file without specifying within the language of the  
9 URL the file name or the path name. This was known to  
10 their expert. He admitted it at his deposition. It's in  
11 their -- this is an excerpt from one of the prior art  
12 books that they have provided to us; and it specifically  
13 says, as is well known, that "Sometimes the URL won't  
14 have a filename at the end" and "That's not necessarily a  
15 mistake" because if you're going to a document on a  
16 website, you can use a URL without specifying the file  
17 name. There's still a file. It's still an html -- for  
18 example, the court's website, it's some markup language  
19 text document that's being copied and transferred to the  
20 local server -- or the local computer from a server but  
21 it is still copying a file and that URL specifies the  
22 file that's going to be sent without using a file or path  
23 name.

24 THE COURT: Okay. And what about the issue of  
25 whether it is, under these claim terms, limited to items



1 other than files?

2 MR. PITCOCK: Well, I think it's pretty clear  
3 from the -- I mean, "URL" doesn't mean "file" or you  
4 wouldn't have to specify in the claim that it was to a  
5 file. I don't understand why there would be any  
6 confusion about the URL or what it has to point to just  
7 because it refers to a file.

8 THE COURT: Well --

9 MR. PITCOCK: I mean, what they seem to be  
10 incorporating is this notion that if you've got a URL for  
11 a file, it has to have a file name or path name; but it  
12 doesn't. You can have a URL that doesn't specify a file  
13 name or a path name.

14 THE COURT: In this claim, claim 31, are there  
15 places where you believe "URL" is used not referring to a  
16 file but to something else?

17 MR. PITCOCK: Well, I don't think the term in  
18 general refers to a file; but every time that the  
19 claim -- I would admit that every time claim 31 talks  
20 about a URL, I believe it's in reference to some kind of  
21 file.

22 THE COURT: Okay. So, it's -- you don't have  
23 any intention of arguing that as used in claim 31 it  
24 is -- that the resource that's at issue is something  
25 other than a file.

1 MR. PITCOCK: I would agree with that, your  
2 Honor.

3 THE COURT: Okay. All right. Let me just  
4 hear back from Mr. Lo on this question of where in the  
5 record we have something that would require a path name  
6 for a specific file with each URL.

7 MR. LO: Sure, your Honor. And preliminarily  
8 I think I can answer your Honor's question with reference  
9 to this slide that is up on the page right now. And this  
10 is precisely the issue I was concerned about in terms of  
11 not saying that you have to have a file or path name in  
12 order to identify the location of a specific document.  
13 In this statement it says (reading) some URLs, when  
14 you're not trying to locate a particular file or  
15 document, may not have a file name at the end. And in  
16 this case it just says http://ziff.com. And the next  
17 sentence makes that very clear. "This specifies the  
18 host, but no directory or document." In other words,  
19 it's not telling you where a directory or document is  
20 located. It's simply telling you that that is the place  
21 where it is hosted. And, so, that is exactly why we  
22 think it's important to make clear, if we're going to  
23 improve upon the ordinary meaning of "URL," to say what  
24 kind of file it is and to give some kind of indicia in  
25 terms of where it can be located.

1           Now, in terms of your Honor's question about  
2 where in the record we can have some indication that  
3 there has to be a path or file name, I think the only  
4 place that "URL" comes up in the specification is  
5 column 18, line 55; and I think Mr. Acosta will talk a  
6 little bit more about this a little bit later as well.

7           But basically what they are defining in the  
8 specification is that the URL field "specifies the  
9 location of the file containing the program segment in  
10 the file storage facility indicated at 304" and then it  
11 goes on in parentheses to say (reading) for example, it's  
12 located on an FTP server 125 in Figure 1 but other  
13 storage areas that may be accessible location on the  
14 Internet. So, with the example of the FTP server and  
15 with the specific reference of specifying the location of  
16 the file, we don't think that there's any dispute that  
17 every file location can be described by at least the file  
18 name and the path location.

19           Again, as I said earlier, your Honor, it is  
20 not our intention to say that if you go beyond that and  
21 have additional description, that that somehow takes you  
22 outside the realm of URL. All we are trying to do is  
23 define the minimum requirements necessary to locate the  
24 file.

25           THE COURT: Doesn't claim 31 itself tell you

1 what the URL has to identify?

2 MR. LO: It does, and it doesn't. It says  
3 that you need to identify a specific file for download,  
4 but I think what is in dispute here is what is an address  
5 and what constitutes an address in the -- or locator, to  
6 use the URL terminology. And that's what the parties are  
7 trying to improve upon in terms of the vague language of  
8 just saying "universal resource locator." In other  
9 words, what does one need to locate a particular file on  
10 the Internet for, as claim 31 says, downloading a  
11 particular file.

12 THE COURT: All right.

13 MR. LO: Thank you, your Honor.

14 THE COURT: Thank you, Mr. Lo.

15 MR. PITCOCK: You may have heard enough on --  
16 I'm sorry, your Honor.

17 THE COURT: Go ahead.

18 MR. PITCOCK: You may have heard enough on  
19 "URL," but I just wanted to point out one thing about  
20 this part of the specification. Here, although it gives  
21 an example of a preferred embodiment using a field to  
22 specify the location, it goes on to say that you can  
23 store it on web server -- so, that would be a file on a  
24 web server, presumably including a website -- or at any  
25 other accessible location on the Internet. And

1 they've -- there's nothing that indicates that you have  
2 to have a file name or a path name for a URL for a file  
3 at any accessible location on the Internet. It's just  
4 not true. In fact, documents -- you know, text  
5 documents -- when you go to a website in your browser, a  
6 text document, a file, you're specifying what file is  
7 being sent to your browser to be rendered on your  
8 computer. And all of this to some degree is a little  
9 irrelevant anyway because the only question we're here to  
10 answer is what does "URL" mean to one of ordinary skill  
11 in the art, you know, in the context of this patent; and  
12 there's nothing that indicates that it would have to have  
13 a file or a path name.

14 THE COURT: All right. Thank you,  
15 Mr. Pitcock.

16 Do you want to address "storage location"?

17 MR. PITCOCK: Yes, your Honor.

18 Well -- I apologize. I'll just leave this up  
19 and briefly note that, you know, again this is nothing  
20 more than an attempt to read a preferred embodiment into  
21 broader claim language. There's a preferred embodiment  
22 that talks about having program segments in a storage  
23 facility but then this same part of the specification,  
24 which was the only part that I believe they cite to, goes  
25 on to say you can store it anywhere, presumably not at a

1 storage facility, and that the ordinary meaning of the  
2 term would mean any place where, you know, you could  
3 locate data.

4 THE COURT: All right.

5 MR. ACOSTA: Good morning, your Honor, Matt  
6 Acosta for defendants.

7 First of all, I'd like to spend a little bit,  
8 if you will, defining the dispute here. I think it's  
9 important and I think while this dispute is related to  
10 this dispute you just heard concerning "URL," I think  
11 there's a specific distinction but at the same time I  
12 think because "URL" and "storage location" appear  
13 together in the same claim limitations in claim 31, I  
14 think looking at the disputes together and also what  
15 might be argued later to a jury will actually give the  
16 court some indication of why these claims need to be  
17 construed, and specifically "storage location," other  
18 than just the plain and ordinary meaning.

19 So, I -- first of all, I'd like to point out  
20 this -- plaintiff's slide is up here -- we take dispute  
21 with the interpretation just generally of this portion of  
22 the specification and really I'll explain in a second  
23 that it's the only part of the specification that really  
24 gives any color to both "URL" and the idea of a "storage  
25 location" and I really don't think that there's a dispute

1 of that -- that this is the portion of the specification  
2 we're looking at between the plaintiff and defendants.  
3 Both of our briefing point to this particular portion.

4 But if you'll notice, it says, "The  
5 Program\_Segment record's URL field specifies the location  
6 of the file containing the program segment in the file  
7 storage facility indicated at 304 in Figure 4." And I  
8 will show that to the court in a second. But then in  
9 parentheses it doesn't say "other than the storage  
10 facility" -- there could be other things other than a  
11 storage facility where the URL points to. It doesn't say  
12 that at all. It says, (reading) for example -- so, we're  
13 talking about a storage facility -- (reading) for  
14 example, that storage facility could include an FTP  
15 server, it could include a web server, or -- and I'd like  
16 to direct the court -- any other accessible location on  
17 the Internet. It must be accessible. And I think those  
18 words were skipped over and also I think the idea that  
19 these are alternatives to a storage facility rather than  
20 examples of a storage facility and we take issue with  
21 that interpretation of that language. So, with that,  
22 we'll move to our slides; and I'd like to make it clear  
23 for the court.

24 I think we're on 51.

25 MR. LO: That was ours.

1 MR. ACOSTA: That was ours. Okay.

2 We'd first like to make clear that the  
3 disputes here -- and defendants are not arguing and have  
4 never argued that "storage location" needs to be a  
5 physical location, it needs to be a particular storage  
6 facility, such as it must be an FTP server, it must be a  
7 file server. We're not arguing that. We think that the  
8 language that you just saw in the claim is clear that it  
9 could be an FTP server, it could be a file server, it  
10 could be any other accessible location on the Internet.  
11 So, that's not what we're arguing.

12 What we're primarily arguing is that because  
13 of its location in the claims and because of the way that  
14 the specification reads -- and that language that you saw  
15 in the specification reads, you have to define for the  
16 jury that what we're talking about is a location in --  
17 and "in" is important -- a storage facility, not just the  
18 storage facility itself. Because, for instance, "storage  
19 location" taken alone -- if we were to bring more and  
20 more boxes into this courtroom, you could interpret this  
21 courtroom as being a storage facility and obviously  
22 that's an extreme example, but you take that to the way  
23 the modern Internet works and what we'll be arguing in  
24 this case later on -- and I have an example later on to  
25 show why that is relevant and what the possibilities



1 would be.

2 Let's go on to the next slide here.

3 So, the term "storage facility" only occurs in  
4 three places in claim 31 in the entire patent.

5 THE COURT: The term "storage location"?

6 MR. ACOSTA: Excuse me. "Storage location"  
7 only occurs in three locations in the entire patent, and  
8 these are the three locations. The first one being  
9 "stored at a storage location specified by a unique  
10 episode URL," the second being "storage servers at a  
11 storage location identified by a predetermined URL," and  
12 the third being "URLs specifying the storage locations."  
13 So, as the court can see, URLs and storage locations are  
14 interrelated in the patent. But I'd also like to point  
15 out that a storage location has to do a couple of things  
16 based on just this claim language. It must store media  
17 files and compilation files, and it also must be  
18 identifiable by URL.

19 Moving on, we see that language provides a  
20 little color and is the only place in the specification  
21 that really talks about URLs pointing to the place where  
22 files are stored and we see that instead of the word --  
23 instead of the phrase "storage location," the patentee  
24 used the word "file storage facility" and specifically  
25 that the URL points to a location "in the file storage

1 facility indicated at 304."

2           So, looking at Figure 4 at 304, you see an  
3 arrow pointing to a box; and in that box is examples.  
4 Once again, our interpretation of that sentence, examples  
5 are FTP servers, web server, or accessible locations on  
6 the Internet. You see in the box in Figure 4 it says  
7 "FTP," et cetera, and then you go to Figure 1 and it has  
8 more boxes indicating "FTP server" and web server as the  
9 identifiable examples elsewhere in the patent that could  
10 constitute a storage facility.

11           Now, this might seem academic; but it's  
12 actually fairly important because if we continue with  
13 plain and ordinary meaning as the definition of "storage  
14 location," that provides license to essentially take the  
15 limitation out of the claims entirely. Now, this  
16 really -- for the first and third examples where "storage  
17 location" appears in claim 31, this might not seem like  
18 it's a huge deal specifically because you say (reading)  
19 each one of said media files specified by a unique  
20 episode URL and in the third example it would read URLs  
21 specifying one or more corresponding media files. So,  
22 you still have URLs pointing to something.

23           So, why do we need to provide color for  
24 "storage locations"? This isn't about -- this dispute  
25 isn't about preferred embodiments; it's not about

1 specific physical facilities or facilities on the  
2 Internet. We're talking about URLs that need to point to  
3 a location in something. And what the specification  
4 defines that "in something" to be is in a storage  
5 facility.

6           So, let's move to the example. Here's why we  
7 need a definition of "storage location." You go to  
8 [www.uspto.gov](http://www.uspto.gov). That is a URL that points to a set of  
9 servers that hosts all of the facilities necessary to  
10 serve up a web page for the domain. So, you go --  
11 physically you have a bunch of servers, they receive a  
12 request, they build a web page, and they send it to you  
13 over the Internet.

14           Now, if we pretend that also on that domain is  
15 a folder called "compilationfiles" and then a specific  
16 document called "updatedversion.htm" and the reason --  
17 and this is entirely fabricated, but the reason I came up  
18 with that is -- with that particular URL is because what  
19 we're talking about in the second example in claim 31 is  
20 storing an updated version of a compilation file in one  
21 or more data storage servers at a storage location  
22 identified by a predetermined URL.

23           So, if we take defendants' construction to  
24 [uspto.gov/compilationfiles/updatedversion](http://uspto.gov/compilationfiles/updatedversion), you'll see it  
25 points to an html file called "updated version" within a

1 folder called "compilation files" on servers hosting  
2 www.uspto.gov. This is a location in a storage facility  
3 and the meaning of this particular part of claim 31 is  
4 bolstered by defendants' construction and it is  
5 consistent with what the specification is talking about.

6 Now, if we continue with plain and ordinary  
7 meaning, then "storage location" can be defined as any  
8 particular level of the Internet. It doesn't have to be  
9 in a storage facility. It can be the storage -- for  
10 instance, the storage facility itself. And this might be  
11 abstract; but the example here is pretend that the URL  
12 uspto.gov/compilationfiles/updatedversion.htm simply  
13 doesn't exist. You cannot access that on the Internet.  
14 However, updatedversion.htm is stored somewhere on those  
15 servers. There's no way to get to it. It's just stored  
16 somewhere. You can't access it. If you're a person  
17 looking on the Internet, there's no link to it, there's  
18 no URL to it.

19 However, if you knew that fact, if you knew  
20 that it was stored on those servers, even though you  
21 couldn't get to it, you could argue, based on plain and  
22 ordinary meaning, that you're storing an updated version  
23 of a compilation file, because it's stored on the  
24 servers, on one or more data storage servers, because  
25 once again it's stored on the servers, and it's

1 identified by a predetermined URL. Well, you ask the  
2 question: There is no URL. You can't get to it. What  
3 is the storage location? Well, under plain and ordinary  
4 meaning you could argue that it's just generally  
5 uspto.gov even though there's no way to get to that file.

6 Now, this is just one of several examples --  
7 and this is probably the most basic example -- why this  
8 particular definition matters. There are other ways that  
9 the 2014 Internet works that would call to question this  
10 particular term. And the reason we want it defined is so  
11 that it stays in line with both the reading in the  
12 specification, what the invention claims, and also what  
13 the claim language seems to indicate.

14 And I'll stop there if the court has any  
15 questions.

16 THE COURT: Basically as I'm following your  
17 argument, you're saying that because there is a place in  
18 the specification where it refers to this storage  
19 location as being in a storage facility, that that is the  
20 definition that we have to give to "storage location."

21 MR. ACOSTA: Yes and no, your Honor. I'm not  
22 saying that "storage location" means "storage facility"  
23 and that the terms are interchangeable. I believe that  
24 "storage location" specifies that it needs to be a  
25 location in a storage facility.

1 THE COURT: And there's -- the only place in  
2 the specification where that's mentioned is the place  
3 where you -- that you put up on the screen before.

4 MR. ACOSTA: Yes, your Honor. That's the only  
5 place that talks about URLs pointing to a location with  
6 files in them, which is what I pointed the court earlier,  
7 the essentially work that "storage location" needs to do  
8 in the claims and that's why it's there. So -- and I  
9 don't think there's any dispute between plaintiffs and  
10 defendants that that is the relevant part of the  
11 specification. It's in both of our briefs and both of --  
12 and both plaintiff and defendants argue that portion of  
13 the specification to make their respective points.

14 THE COURT: All right. I guess I am really  
15 having trouble following how it's going to help the jury  
16 understand "storage location" to specify that it's a  
17 location in a storage facility. I'm also having trouble  
18 seeing how the -- this -- use of this term in the  
19 preferred embodiment should require the construction that  
20 you're putting forth, but I --

21 MR. ACOSTA: And if I may clarify just a  
22 little bit more, the reason it should is because there is  
23 a level of abstraction to the words "storage location"  
24 because they are so generic. And in our brief we gave an  
25 extreme example I believe, and I mentioned it earlier.

1 But a storage location could be essentially anything and  
2 because a storage location could be essentially anything,  
3 it is not translatable directly in its plain and ordinary  
4 meaning to what these claims are talking about and it can  
5 be abstracted to any level of abstraction regardless of  
6 whether it is in the specification, is part of the  
7 invention, or it's what's contemplated in the claims.

8 THE COURT: But the claim language itself says  
9 where this storage location is to be, doesn't it? I  
10 mean, it -- every time "storage location" is mentioned,  
11 it goes on to describe the storage location that's at  
12 issue, specified by a URL or identified in some other  
13 way, doesn't it?

14 MR. ACOSTA: And that's exactly why I had this  
15 particular example, because in here -- in this example,  
16 in this claim language up at the top of this slide, it  
17 says what this claim requires is an updated version of a  
18 compilation file and in storage servers, in storage  
19 servers -- identified by a predetermined URL. So, if you  
20 get rid of that claim language, then the storage servers  
21 can be identified by any URL. As long as they identify  
22 the servers generally -- once again a level of  
23 abstraction. So, the file is in those servers over there  
24 somewhere. We don't know exactly where it is.

25 THE COURT: How does adding "in a storage

1 facility" change that?

2 MR. ACOSTA: Because then you have "one or  
3 more data storage servers in a storage facility  
4 identified by a predetermined URL." So, the storage  
5 facility that the compilation file is in must be  
6 determined by a predetermined -- must be specified by a  
7 predetermined URL. And once again, the URL is modifying  
8 "storage location"; and we are simply clarifying that the  
9 URL -- that the modification means you need to point  
10 somewhere in a storage facility, not just generally at  
11 the storage facility. Your Honor, it's like saying  
12 "Where are those particular cups in the warehouse" and  
13 your answer is "They're in the warehouse" instead of "Oh,  
14 they're on this particular shelf."

15 THE COURT: Okay.

16 MR. ACOSTA: And that's what we're afraid is  
17 going to happen.

18 THE COURT: I just don't understand how adding  
19 "in a storage facility" gets you to the shelf.

20 MR. ACOSTA: Because in -- with that  
21 construction, it makes particularly clear when you plug  
22 it into the claim language that the URL is pointing in --  
23 it must point in a storage facility and not, at the  
24 greatest level of abstraction, any storage location.

25 THE COURT: Okay.



1 MR. ACOSTA: Thank you.

2 THE COURT: Thank you, Mr. Acosta.

3 Mr. Pitcock, if you want to respond. We're  
4 going to take a short recess at the end of this term  
5 before we move on with the rest.

6 MR. PITCOCK: I guess my only comment to all  
7 this is that almost none of this -- even the argument --  
8 is contained in their briefing; so, I'm kind of  
9 responding to it for the first time now. But there's --  
10 he doesn't even define what a "facility" is. I don't  
11 know how adding that to the construction of the term  
12 "storage location," which would seem to have an ordinary  
13 meaning to one of skill in the art, you know, even helps  
14 them given the statements that he's made about the  
15 breadth of the term "facility." So, I guess that's my  
16 only comment.

17 THE COURT: Okay. All right. We'll take a  
18 ten-minute recess at this time. Thank you.

19 (Recess, 10:38 a.m. to 10:55 a.m.)

20 THE COURT: Let's see. I believe,  
21 Mr. Pitcock, the next term is "compilation file."

22 MR. PITCOCK: Yes, your Honor; and I neglected  
23 to do something earlier which I apologize for. We  
24 prepared a binder I'm sure pretty similar to the  
25 defendants' binder which has copies of the briefing, the

1 deposition of Dr. Porter, et cetera; and I'd like to  
2 offer it at this time so that the court has copies of it.

3 THE COURT: All right. As long as you make it  
4 available to the defendants as well.

5 MS. DAVIS: We have a copy, your Honor.

6 THE COURT: Okay.

7 MR. PITCOCK: Do you mind if Mr. Chaudhari  
8 approaches?

9 THE COURT: All right.

10 MR. PITCOCK: I'd just note earlier I read  
11 from the Porter deposition transcript; and that is  
12 contained at Tab 9 of the second binder I handed up, your  
13 Honor, just for reference.

14 THE COURT: All right. Thank you.

15 MR. PITCOCK: So, I think it makes sense to  
16 address actually the next two terms, "compilation file"  
17 as well as the phrase in which that term is used in the  
18 claim. And that's part of our argument is that the claim  
19 requires -- it's an apparatus claim, and part of the  
20 apparatus is a processor which performs certain  
21 functions. And there's a listing here; and one of the  
22 things it does is "from time to time, as new episodes  
23 represented in said series of episodes become available,  
24 storing an updated version of a compilation file" -- and  
25 you've said this has a plain and ordinary meaning, and

1 from that I infer that you do not believe that the  
2 compilation file needs to be assembled -- or the updated  
3 version of "compilation file" needs to be assembled by  
4 the processor. And, you know, our argument is relatively  
5 straightforward.

6 "Compilation file" is not a term that has an  
7 ordinary meaning. It's not a term like "URL" or "storage  
8 location" that one of skill in the art would know what it  
9 meant without looking to the patent to see how it was  
10 described. And the Federal Circuit has held, in cases we  
11 cited in our brief, that when it comes to claim terms  
12 that don't have an ordinary meaning, it is proper to look  
13 to the specification to try to determine what it is that  
14 these terms mean. And if you look at the specification,  
15 it is very clear that the server which would contain the  
16 processor is compiling the files for downloading. So,  
17 the compilation file is a file that is compiled or  
18 assembled by a processor.

19 And if you look at the joint claim  
20 construction statement, which is also at Tab 3, there is  
21 a definition of "compilation" as "the action or process  
22 of producing something, especially a list, book, or  
23 report, by assembling information collected from other  
24 sources." And we would say that, you know, again in the  
25 specification it talks about the compilation being

1 written to the download directory by a processing  
2 mechanism and that with reference to the specification as  
3 well as the normal meaning of "compilation," the claim is  
4 specifying that it is the processor that is performing  
5 the assembly of this file, that it's a compilation file  
6 because it is being assembled by the processor.

7           And the final point is -- you know, this was  
8 obviously critical to the allowance of the invention.  
9 The examiner specifically doesn't, you know, cite to  
10 where the data is stored at the local device or anything  
11 of that nature in his reasons for allowance but, rather,  
12 that it doesn't suggest updating and downloading a  
13 current version of a compilation file and it contains all  
14 the information that's in the claim, but the very nature  
15 of a compilation file is it is a file that is being  
16 assembled by the processor, as described in the patent  
17 specification.

18           THE COURT: Now, Mr. Pitcock, we -- I try and  
19 take a consistent approach to claim construction, and I  
20 take seriously the Federal Circuit's command to start  
21 first and focus on the claim language. I try to do that  
22 whether it's the plaintiff seeking to add limitations to  
23 it or the defendant, and I -- it seems to me here that  
24 what you're proposing is for us to add something that the  
25 language didn't but could have added to the claim. And

1 I'm -- I am I guess looking for some way to distinguish  
2 this from every other request to read into the claim  
3 language whatever might appear elsewhere in the  
4 specification.

5 MR. PITCOCK: Well, I think the way in which  
6 it's done -- so, for example, all of the parties agree  
7 that media files have to include audio data because of  
8 the way the specification describes the invention. And,  
9 you know, that would be even overcoming the ordinary  
10 meaning of that term which might be broader.

11 If you take that position -- so, there's a  
12 presumption, sometimes called a "heavy presumption," that  
13 terms that have an ordinary meaning, like "URL" or  
14 "storage location" -- because a patent is a technical  
15 document written for a technical audience, you would  
16 expect there to be a presumption that the ordinary  
17 meaning of the term would apply in the claims. But when  
18 you come to a term like "compilation file" which has no  
19 ordinary meaning -- I mean, it -- you know, when I asked  
20 Dr. Porter --

21 THE COURT: How does "compilation" have less  
22 of an ordinary meaning than "storage location"?

23 MR. PITCOCK: Well, if I say to one of skill  
24 in the art, "I am going to store this at a storage  
25 location," one of ordinary skill in the art knows what

1 that means. They know what it means to some degree  
2 before you look at the specification. And they wouldn't  
3 necessarily think it had to be in whatever you're calling  
4 a "facility," which is some undefined term that they're  
5 introducing from the specification. One of ordinary  
6 skill in the art wouldn't have -- and they've introduced  
7 no evidence that one of ordinary skill in the art would  
8 think, oh, well, a compilation file would -- you know,  
9 it'd be known in advance what that means to a person just  
10 reading the patent who looked at the claims and didn't  
11 read the specification.

12 THE COURT: I would agree that I think that  
13 "compilation" is generic, and we've I think added in  
14 the -- what we think is the patent specific meaning of  
15 it, but what you're asking us to add in is the way in  
16 which it's compiled.

17 MR. PITCOCK: I mean, I would disagree. I  
18 would argue that it is a compilation file because it is  
19 compiled, because it is assembled by the processor which  
20 is what's called for in the claim.

21 THE COURT: Okay. Well, I do -- I understand  
22 what you're asking. So, I appreciate that.

23 MS. DAVIS: Sharon Davis for the defendants,  
24 your Honor.

25 THE COURT: All right.

1 MS. DAVIS: Let me start, your Honor, by  
2 addressing one of the comments that Mr. Pitcock just made  
3 with respect to plaintiff's Slide 16 where he cited to  
4 what he said was a definition of "compilation file" as a  
5 "file that is compiled (or assembled) by a processor."  
6 That's the third bullet point on his slide. And he cited  
7 to the joint claim construction statement, and he said  
8 there was a definition in the joint claim construction  
9 statement that supported this position of what a  
10 compilation file is.

11 Your Honor, this was not something that was  
12 cited in any of the briefing; but if you look at the tab  
13 in plaintiff's binder where he has the joint claim  
14 construction statement and you turn page 6, the  
15 definition of "compilation," there's two things I want to  
16 point out to you about that, your Honor. The first one  
17 is that this is not something that was agreed to.  
18 Actually it's plaintiff's citation of their proposed  
19 construction in support for their claim construction.  
20 So, when he says it's in the joint claim construction  
21 statement, he's just pointing to what plaintiff included  
22 in their joint claim construction statement although he  
23 didn't cite to this in any of the briefing that they did  
24 on claim construction so far.

25 But more importantly, if you look at the

1 definition that they're citing to, they're citing to the  
2 Oxford dictionary's definition of the word "compilation."  
3 And all that that definition says, your Honor -- I'm not  
4 going to read the whole thing -- but it says that  
5 "compilation" is (reading) an action or process of  
6 producing something like a list by assembling information  
7 collected from other sources, which I think is what we  
8 all understand as the ordinary meaning of compiling  
9 something. There's nothing in that definition that  
10 they're citing to from the joint claim construction  
11 statement that says anything about a processor or being  
12 compiled by a processor or being assembled by a  
13 processor.

14 But turning back to the substance of the main  
15 argument, your Honor, if we could look at Slide 65 and  
16 just look at the claim language for a moment. And I know  
17 your Honor has focused on this point in the discussion.  
18 But the claim language here specifically assigns two  
19 tasks to the processor in claim 31. The "one or more  
20 processor" are "for"; and there are two relevant tasks  
21 that are assigned here, "storing one or more media files"  
22 and then there's some information relating to the storage  
23 of those media files and then "from time to time, as new  
24 episodes become available, storing an updated version of  
25 a compilation file."



1           The claim language is quite clear that what  
2 the processor is to do is to store an updated version of  
3 a compilation file. It doesn't say anything and is  
4 completely agnostic as to how that updated version of a  
5 compilation file is created.

6           As your Honor pointed out in addressing it  
7 with Mr. Pitcock, the claim could have put in language  
8 about how that compilation file was created; but they did  
9 not do so. They put in a broader claim here that covers  
10 a processor for storing an updated compilation file  
11 regardless of how that compilation file is created, and  
12 it would be reading in an additional limitation to the  
13 claim to adopt plaintiff's construction.

14           If we turn to the specification, the next  
15 slide.

16           We can go forward one more -- well, let me  
17 actually point out this point.

18           You know, plaintiffs are really kind of trying  
19 to have it both ways here in terms of reading things into  
20 the claim; and they even make the point in their reply  
21 brief that the claim itself "specifically sets out the  
22 required elements of the compilation file." And we agree  
23 it does. It has a pretty lengthy description of what  
24 needs to be in the compilation file, and it is plaintiffs  
25 who are trying to add yet another element to what it

1 takes to be a compilation file by adding the concept that  
2 it has to be a file that is assembled by a processor,  
3 which is simply completely missing from the claim  
4 language.

5           If we turn to Slide 68 with respect to the  
6 specification -- and we addressed this, your Honor, in  
7 our opposition brief -- even when plaintiffs turn to the  
8 specification, they have a really hard time even finding  
9 language that supports the idea that the compilation file  
10 has to be assembled by a processor because what they  
11 quote to your Honor in their opening brief is a very  
12 small segment of what's included in these passages  
13 because what the passages -- and they only found two  
14 passages in the 52 columns of the specification that they  
15 contend would support reading in this limitation and what  
16 they did was to kind of clip out the part of the sentence  
17 that talks about compiling a file, but what they left out  
18 was the fact that these are clearly in the context of  
19 these specific embodiments where actually the embodiment  
20 was requiring different elements that are not encompassed  
21 by claim 31 at all. For example, the inclusion of  
22 additional types of programs and in particular the  
23 requirement that the user supply information in order to  
24 create the compilation file, which is not something  
25 that's encompassed by claim 31 at all.

1           Now, in their briefing -- although Mr. Pitcock  
2 didn't mention it, in their briefing -- in their  
3 briefing, Personal Audio points to the claim 3 and  
4 suggests that the fact that there is reference to the  
5 processor being involved in the creation of the  
6 compilation file in claim 3 supports reading in the  
7 limitation they propose. It's actually quite the  
8 opposite, your Honor. What claim 3 and claim 1 show is  
9 that there were circumstances where the patentee chose to  
10 claim a system that had the processor doing some of the  
11 steps of updating, and they very clearly claimed that in  
12 claim 1 and claim 3. It was specifically not included in  
13 claim 31 which again only requires that the processor  
14 store the updated compilation file and doesn't include  
15 any steps that relate to the assembly or compilation of  
16 the computer file.

17           Finally, I just want to address one of the  
18 things that Mr. Pitcock argued because he made reference  
19 again to the reasons for allowance and suggested that  
20 that somehow supported reading in this limitation; and I  
21 just wanted to point out that if you actually read the  
22 entire segment of the reasons for allowance -- the first  
23 paragraph is what Mr. Pitcock quoted from; but if you  
24 look at the second paragraph where the examiner was  
25 explaining a little bit about the reasons for allowance,

1 the examiner says that the closest prior art discloses a  
2 method for updating, for distributing updates, and then  
3 says Reisman does not disclose the objects being a  
4 compilation file representing episodes with corresponding  
5 URLs of media files of said episodes. So, what that's  
6 saying, to the extent the examiner was expressing any  
7 opinion here on what was novel over the prior art, the  
8 examiner was suggesting that it was the specifics of  
9 having compilation files representing episodes with  
10 corresponding URLs of those episodes that was the  
11 novelty. It doesn't say anything about it being novel to  
12 update using the processor.

13 If your Honor has any questions, I'd be happy  
14 to address them. Otherwise, I'll rest on that. And  
15 that's for both of those two claim terms.

16 THE COURT: All right. Thank you, Ms. Davis.

17 MR. PITCOCK: Your Honor, if I might briefly  
18 just address one thing.

19 THE COURT: All right.

20 MR. PITCOCK: If you look at their Slide 65 --  
21 it really doesn't matter; it's just a snippet of this  
22 language. You know, there's really no reason to call it  
23 a "compilation file" if you're not trying to point back  
24 to the part of the specification which describes, you  
25 know, the compiling. There's no reason -- you could just

1 call it a "file." And yes, we do cite to just the  
2 portions of the spec that talk about a compilation file  
3 because that's obviously the part of the specification  
4 that this claim is referring back to. "Compilation file"  
5 wouldn't be a term you would use because it had some  
6 ordinary meaning to one of skill in the art. You would  
7 be using it because you want to refer to the compilation  
8 file in the specification.

9 THE COURT: All right. Thank you.

10 MS. DAVIS: Your Honor, I just want to address  
11 real quickly what Mr. Pitcock just said, which is the  
12 compilation part of this file is not how it's compiled in  
13 the sense of a computer compiling things. It's a  
14 compilation file because, as it indicates here, it's a  
15 list of the currently available episodes. It's compiling  
16 what content is available and putting that in a file  
17 which you then have to select from among the available  
18 files. So, it's using compilation in the ordinary  
19 meaning -- not in the computer context but in the  
20 ordinary meaning of what it means to compile a list of  
21 episodes.

22 THE COURT: Okay. Mr. Pitcock, the next term,  
23 do you wish to address it?

24 MR. PITCOCK: Your Honor, I'll actually -- I  
25 think it makes sense to address the last two phrases

1 together. They're both part of the end of claim 31. And  
2 looking at the observation underneath the plain and  
3 ordinary meaning, you observe "that the language of the  
4 claim suggests the same interface must perform a, b, and  
5 c, but other interfaces may also perform one or more of  
6 those functions as well." And I would just -- you know,  
7 I agree obviously with the second part of the phrase; but  
8 the notion that the same interface has to perform all  
9 three functions I think is actually put to the lie by the  
10 fact that the same claim earlier specifically talks about  
11 one or more interfaces for performing, you know, these  
12 functions that are then being listed.

13 So, I would respectfully suggest that the  
14 claim language which talks about employing one of them  
15 wouldn't mean that you had to use the same one to perform  
16 all of the same functions that are part of this phrase  
17 which specifically talks about one or more interfaces for  
18 performing those functions and that the claim language of  
19 31 makes it clear that if you're going to read, you know,  
20 "one" as a single limitation, that it makes much more  
21 sense to say one of the interfaces has to perform a, one  
22 interface has to perform b, and that another different  
23 interface may perform c.

24 THE COURT: And tell me why. And the reason I  
25 put the observation in this preliminary construction is

1 because I believe that the parties were differing on this  
2 point and I wanted to make sure that it gets addressed  
3 here. So, tell me what your support is for your position  
4 that it should be construed to mean simply any one of the  
5 interfaces has to perform each of the functions but no  
6 single interface has to perform all three.

7 MR. PITCOCK: I think -- so, my primary  
8 argument is the claim language itself. Unfortunately,  
9 the exact term "communication interface" does not appear  
10 to be used in the specification. So, looking at the  
11 claim language itself, it says specifically "one or more  
12 communication interfaces" for performing certain  
13 functions. And then it goes on, in the disputed  
14 language, to say "employing one of them to"; and then it  
15 breaks out these three different parts. And I would  
16 suggest it is actually suggesting that one interface  
17 could perform a, one interface could perform b of the  
18 potential for having more interfaces, which is directly  
19 referenced in the earlier part of the claim, and yet  
20 another interface could perform c. They could all be the  
21 same one, but they don't have to be.

22 And that's consistent, your Honor, with my  
23 understanding of the *IGTv/Bally* case which is, you know,  
24 a case where you have a limitation to one and the  
25 defendants, just as they are here, are trying to say,

1 well, no, the fact that there's one interface claim here  
2 means that all these things have to be done by one  
3 interface all the time. And here I think it's very clear  
4 from the language of the claim, which specifically  
5 contemplates having more than one communication interface  
6 for performing these functions and then breaks them out  
7 into three different things, that what it's really saying  
8 is yes, one does this, one does b, one does c but it  
9 doesn't have to be the same one.

10 THE COURT: If you think that's clear, then  
11 I --

12 MR. PITCOCK: No, it -- I'm just saying it's  
13 the only way to reconcile -- why would you claim  
14 specifically one or more communication interfaces and  
15 then at the end say you had to use one of them for  
16 performing all of the same -- you know, for performing  
17 the same functions that you had more than one for earlier  
18 in the claim? And I guess that's the logical point.

19 I admit this is not going to go into any  
20 journals as an example of claims drafting that should be  
21 emulated; but in terms of looking at the claim as a whole  
22 and trying to interpret this phrase in the context of the  
23 earlier part of the claim which specifically contemplates  
24 having more than one communication interface for  
25 performing these functions, it seems that the better read



1 is that one has to perform a, one has to perform b, one  
2 has to perform c but they don't have to be the same one.

3 THE COURT: And I guess what I'm after is  
4 whether you have anything you can point to in the  
5 specification or elsewhere that sheds light on this or  
6 whether you're just trying to do the same thing I'm doing  
7 of giving the most logical meaning to this language.

8 MR. PITCOCK: So, the thing that I would note  
9 is yes, although it's not direct. As I said before,  
10 "communication interface" isn't directly used in the  
11 specification; but the claim also requires -- I'm sorry,  
12 your Honor.

13 So, the claim specifically talks about having  
14 media files and data storage servers; and the question  
15 is, depending on your construction of "communication  
16 interface" -- whether or not you believe, you know, it  
17 specifically contemplates having those stored anywhere on  
18 the Internet, it's at least conceivable that you would be  
19 using a different communication interface to get those  
20 files than you might be otherwise. And, so, that's why  
21 it claims more than one interface for performing the  
22 functions and that's why that language at the end of the  
23 claim is better read as saying one of the interfaces has  
24 to perform the specific broken-out functions that are  
25 listed there, but it doesn't have to be the same one that

1 performs all three.

2 THE COURT: Well, why would it say -- bother  
3 to say "one of said one or more communication interfaces"  
4 at all? Why wouldn't it just then say "employing said  
5 communication interfaces to" -- what's the -- in your  
6 mind, what's the purpose of saying "one of said one or  
7 more"?

8 MR. PITCOCK: I think it's that the -- I  
9 believe the proper interpretation is that one interface  
10 would perform each of the functions but it wouldn't have  
11 to be the same interface.

12 THE COURT: Well, then why call out -- why add  
13 that term "one of said one or more"? It's obvious that  
14 some communication interface would be performing it. So,  
15 why specify that it has to be "one of said one or more"?

16 MR. PITCOCK: Well, I think it's that -- I  
17 honestly believe that it's probably because each of the  
18 different functions could be -- would be performed by one  
19 interface but wouldn't have to be performed by the same  
20 one interface.

21 THE COURT: Okay. I appreciate that.

22 MR. LO: Jason Lo on behalf of the defendants,  
23 your Honor.

24 I think your Honor hit the nail on the head  
25 when you asked about the phrase "one of said one or

1 more." There's a specific reason that that phrase is in  
2 there. But I think there's something else that goes  
3 toward making the first part of your Honor's proposed  
4 construction correct, and that's the other part that I've  
5 highlighted on Slide 74. The a, b, c are connected by an  
6 "and"; and that clearly states that the same  
7 communication interface for a, b, and c must be the one  
8 that is applicable.

9           Mr. Pitcock also made the argument that  
10 because the communication interfaces here has an  
11 antecedent basis, it's a set one or more; and up above in  
12 the claim and specifically in about line 39 of column 50  
13 they do describe other communication interfaces that  
14 therefore if they are defining multiple communication  
15 interfaces, it makes no sense to say in the last part of  
16 the claim 31 that only one of those are used. All I'll  
17 say to that is what is described in line 39 of column 50  
18 is a broad -- is a broad description of things that  
19 communication interfaces can do. Then when you get down  
20 to the part in column 51, there are specific tasks  
21 relating to a compilation file in subpart A, relating to  
22 the updated version of the compilation file in subpart B,  
23 and relating to issues relating to episode URLs included  
24 in the attribute data contained in the updated version of  
25 said compilation files. Sorry. That's a mouthful.

1 But the point is in a, b, and c on column 51  
2 there are much more specific things that a communication  
3 interface described in column 51 and the end of column 50  
4 must do. And that's why just because you have the  
5 antecedent basis up above doesn't mean that you have to  
6 use every type of that antecedent basis in order to  
7 conduct the functionalities that are at issue in  
8 column 51, the a, b, and c functionalities.

9 So, with respect to the first part of your  
10 Honor's construction that the claim suggests the same  
11 interface must perform a, b, and c, we agree that that is  
12 the correct construction of the term.

13 THE COURT: And do you also agree that if a  
14 single interface is performing a, b, and c, that the  
15 claim would allow other interfaces to also perform those  
16 functions?

17 MR. LO: I disagree with that.

18 THE COURT: Okay.

19 MR. LO: And for this reason.

20 THE COURT: Tell me.

21 MR. LO: Your Honor's proposed construction  
22 would be correct if the claim said "employing the same  
23 communication interface to conduct a, b, and c." So, let  
24 me just take it out of the vague language of a  
25 "communication interface." I'm going in the next few

1 weeks to Dallas, Tyler, and New York. If I said I'm  
2 bringing the same jacket on all three trips, that leaves  
3 open the possibility that I may bring another jacket with  
4 me on one or more of those trips but it has to be the  
5 same. At least -- there has to be one jacket that goes  
6 on all three of those trips. That's not what the claim  
7 language here says.

8           The claim language, as Mr. Pitcock points out,  
9 starts with the antecedent basis in column 50 at line 39  
10 defining that there can be multiple communication  
11 interfaces; and it defines, as a starting point, that I  
12 have a closet with multiple jackets. And then when you  
13 get down to the end of column 50 and the beginning of  
14 column 51, it says out of the multiple jackets that you  
15 have, you're bringing one on those trips. That doesn't  
16 leave open the possibility that you bring more than one.  
17 It specifically says that you will be only bringing one  
18 and using one for those functionalities.

19           And, so, when you define in the antecedent  
20 basis up above the possibility that there are multiple  
21 and then you come down later into the claim and you say  
22 that there is -- you're going to bring one jacket out of  
23 the many jackets on your trip, that means you're not  
24 bringing any other jackets; and it doesn't leave open the  
25 possibility that another communication interface will

1 perform a, b, or c.

2 That, I think, your Honor, is supported not  
3 only just by the claim -- reading of the claim language;  
4 but if we go to Slide 75, this issue has been squarely  
5 addressed by the Federal Circuit on multiple occasions.  
6 In *WMS Gaming versus International Game Technology*, the  
7 products at issue were slot machines and one of the  
8 issues for slot machines is you need to have a good  
9 random number generator so that not everybody who goes up  
10 wins a jackpot and, you know, at the same time, some  
11 small percentage of people I guess will eventually win  
12 the jackpot. It's never been me.

13 And one of the claim limitations was  
14 "selecting one of said numbers." So, the claims in the  
15 specification first describes the machine is going to  
16 generate a small subset of numbers and then you're going  
17 to select one of them. And I think what was at issue  
18 there was the accused device selected more than one but  
19 the claim said "selecting one." And the Federal Circuit  
20 agreed with the district court, "The plain meaning of  
21 'selecting one of said numbers' is selecting a single  
22 number, not a combination of numbers." So, that's  
23 squarely on point on this issue.

24 The other case -- and it's the case that  
25 Mr. Pitcock referenced in his argument -- is *IGT versus*

1 *Bally Gaming*. The claim language there said "issuing a  
2 command over the network to one of said preselected  
3 gaming devices responsive to a predetermined event." And  
4 again in this case it's a gaming device, and there were  
5 really two questions at issue here.

6 The first question was: Does the claim  
7 language allow you to issue more than one command? And  
8 then the second question is: Can the command be issued  
9 to more than one gaming device?

10 Now, the first one is actually, in my mind,  
11 pretty easy because the command comes before the "one of  
12 said preselected gaming devices." In other words, the  
13 "one" modifies "gaming devices," not "command." So, when  
14 it comes to the "command" language, Fed Circuit said,  
15 "No, the claim does not limit the number of commands that  
16 could be issued to discrete gaming devices." You could  
17 issue multiple commands.

18 However, with respect to the gaming device --  
19 and that's the phrase that is modified by the "one of  
20 said preselected" -- the Federal Circuit said, "Certainly  
21 the use of 'one' in this claim is limiting in that a  
22 command will go to one of the preselected devices. The  
23 command will cause one device to pay. Hence 'one'  
24 modifies devices that will receive a particular command,  
25 not the number of commands that might be issued."

1           So, both *IGT* and *WMS* are clearly on the side  
2 that when the patentee says "one" and particularly when  
3 the patentee says "one of said multiple ones," "one" has  
4 to have meaning. It doesn't leave options open for more  
5 than one; it doesn't leave options for different ones.  
6 It's got to be a single one and only one that performs a,  
7 b, and c.

8           THE COURT: And that's really what you want is  
9 for us to read it as though it says "only one."

10           MR. LO: That is correct. And so -- and your  
11 Honor is correct, and we appreciate your Honor making the  
12 observation. The dispute here is both aspects of your  
13 Honor's observation. We agree with the first aspect that  
14 the same one has to do a, b, and c. We respectfully  
15 disagree with the second aspect of it that leaves open  
16 the possibility that another communication interface will  
17 perform a, b, or c in addition to the one that does all  
18 three. I think that's -- those are really the two  
19 disputes; and that is what we are seeking a ruling on, on  
20 those two issues.

21           THE COURT: All right. I understand your  
22 position.

23           MR. PITCOCK: Oh, actually I just -- I wanted  
24 to briefly address *IGT* and --

25           Did you have something more to add?



1 THE COURT: All right. I'll give the  
2 defendants a chance to respond after, but go ahead.

3 MR. PITCOCK: Okay. Yes, your Honor.

4 So, if you look at our reply brief, we talk  
5 about the *IGT* case. And again, they're right. They --  
6 but there was another dispute which is that the question  
7 is certainly the use of "one" talks about using, you  
8 know, a command or more than one command to one device at  
9 a time, but the court specifically held "a single command  
10 must be issued to a single gaming device." "The claim,  
11 however" -- and I'm reading from the top of page 10 --  
12 "does not limit the number of commands that could be  
13 issued to discrete gaming devices." Nothing in this  
14 limitation requires issuing only one command to only one  
15 machine. *Bally* would have us rewrite the claim to say  
16 "issuing only one command to only one of said preselected  
17 gaming devices."

18 So, there they were arguing the same thing  
19 here, that use of the word "one" meant that, you know,  
20 you had to, you know, all the time just use one  
21 interface. And here, unlike *IGT/Bally*, you know, there  
22 wasn't a previous part of the claim that specifically  
23 said that you had, you know, the possibility of having  
24 more than one communication interface. And just as it  
25 did here -- they're really misciting this. The court

1 specifically held that you just didn't -- you didn't have  
2 to send it to only one of the preselected gaming devices.  
3 You could have other -- you could have other winners in  
4 the *IGT/Bally* case and still infringe the claim. Just  
5 like you could take other jackets on the plane even if  
6 you said, you know, only one jacket on a plane. And here  
7 where the claim language specifically calls out different  
8 functions and it says (reading) employing one of these  
9 communication interfaces to perform this function, that  
10 function, and the other function, it doesn't mean that  
11 "and" just means you have to have one interface that  
12 performs each function. It does not mean that you  
13 necessarily have to have the same interface perform all  
14 three.

15 THE COURT: All right. I understand your  
16 argument.

17 MR. ACOSTA: Your Honor, Matt Acosta for  
18 defendants again. I'm addressing the last term, and the  
19 critical language there is "receiving and responding."

20 I'm using the document camera.

21 We've seen that the court has a preference  
22 saying that it doesn't want to import the "downloading"  
23 language. We have two responses to that.

24 First of all, the dispute is not trying to  
25 import the previously argued downloading issue into this

1 claim construction language. This is an independent  
2 dispute from the "downloading" dispute. Regardless of  
3 what the court decides "downloading" actually means in  
4 this context, this dispute is absolutely separate.

5 The second thing I would like to point out is  
6 that, respectfully, the court, if they adopted  
7 defendants' construction, would not be importing  
8 "downloading" at all into the claim because "downloading"  
9 is already in the claim language.

10 THE COURT: So, we don't need to put it in  
11 again?

12 MR. ACOSTA: Well, and that's exactly what the  
13 dispute is, because plaintiffs have not clarified to us  
14 and there seems to be an indication that they think the  
15 phrase "receiving and responding" means something other  
16 than responding to the request for a media file by  
17 downloading; and they -- and we haven't heard either in  
18 the briefing or informally from plaintiffs what that  
19 might mean. But pointing to the claim language again,  
20 right at the top when it talks about "one or more  
21 communication interfaces" which later -- as we've just  
22 heard, later down in the claim it says "employing one of  
23 said one or more communication interfaces to do" a, b,  
24 and c, the c being receiving and responding, going back  
25 at the top of the claim when it talks about "one or more

1 communication interfaces connected to the Internet for  
2 receiving requests" and then later it says "and for  
3 responding to each given one of said requests by  
4 downloading a data file identified by a URL." That's  
5 what this claim says a communication interface does.

6 THE COURT: And does this language that we're  
7 addressing here use "said request" like the language  
8 you're quoting from?

9 MR. ACOSTA: Does the language -- excuse me,  
10 your Honor. Does the language at the top of the claim  
11 use "said request"?

12 THE COURT: No. The language at the top of  
13 the claim does; but that you're comparing it to says  
14 "said request," right?

15 MR. ACOSTA: Correct.

16 THE COURT: And the language that we're  
17 construing in that subparagraph C says "a request."

18 MR. ACOSTA: It does say "a request," your  
19 Honor; but the only request that's outstanding for it to  
20 respond to is the request for a media file.

21 And if you go to the top of the claim  
22 language, it says this is what communication interfaces  
23 do and then later it specifies particularly what they're  
24 doing and the very last c specifies that it's receiving  
25 and responding to a request, the request being the

1 request for the media file.

2 THE COURT: Well, the fact that in the second  
3 limitation of claim 31 it talks about responding by  
4 downloading, how does that mean that here in this last  
5 limitation the only response would be by downloading?

6 MR. ACOSTA: Well, there's a few reasons, your  
7 Honor. First, because the claim limitation is clear that  
8 communication interfaces receive requests and respond by  
9 downloading and then also because of the specification  
10 which many, many times talks about responding to a  
11 request for a media file by downloading.

12 If we could jump to Slide 82.

13 Sorry. 83.

14 Okay. So, this is just one example; and all  
15 of these are cited in our -- in defendants' response  
16 brief from the specification that talks about downloading  
17 in response -- downloading media files in response to  
18 requests for media files. This is from the player side,  
19 column 7, lines 19 through 22, and also column 24, lines  
20 19 through 21.

21 And then if you go to the next slide, you have  
22 the specification talking about it from the server side,  
23 "downloading of actual program segments" and again "an  
24 immediate request may be sent to the server to download a  
25 needed but locally unavailable segment."

1           The issue being if it's responding to a  
2 request from a media file, what else does this  
3 specification or this claim language allow the  
4 communication interface to do besides downloading? And  
5 the answer is absolutely nothing. There is no indication  
6 that it does anything besides download the media file in  
7 response to each request for a media file.

8           THE COURT: All right. Mr. Pitcock?

9           MR. PITCOCK: I'll try to be very brief. I  
10 would just say that, you know, to some degree they're  
11 trying to have it both ways with this claim. They want  
12 to read parts of the earlier, you know, plural interface  
13 limitation into this but then read it out despite the  
14 fact that the different functions are claimed in  
15 different parts; and there would be no reason to do that  
16 if you meant the same one had to do all of these things.

17           And I would also add that even if the response  
18 also results in a download, it doesn't mean that's the  
19 only thing that you can do in response; and there's  
20 certainly nothing in the claim that indicates that that  
21 download has to occur over the same interface as the  
22 request.

23           THE COURT: Is there any other response that  
24 you can describe to me other than a download?

25           MR. PITCOCK: Well, you might -- I mean, I can

1 contemplate lots of different things theoretically. If  
2 you have a request for a URL, you might get all sorts of  
3 information in response in addition to the download of  
4 the file.

5 THE COURT: Okay. And you have said that  
6 under your construction the resulting download could be  
7 through a different interface? Is that --

8 MR. PITCOCK: Yes.

9 THE COURT: -- a concern you have?

10 MR. PITCOCK: And I believe that would be  
11 contemplated -- if you have a storage location for media  
12 files, you know, anywhere accessible by the Internet,  
13 it's at least conceivable that you would be using a  
14 different communication interface to download those  
15 files, particularly with respect to whatever you're using  
16 to receive requests.

17 THE COURT: Okay. Mr. Acosta, would you  
18 address whether your construction would require that the  
19 download occur through this same interface and, if so,  
20 why that's justified?

21 MR. ACOSTA: Your Honor, I think this goes  
22 back to the last limitation that we were arguing on. If  
23 you look again at the claim language -- if you look again  
24 at the claim language for claim 31, in column 50, right  
25 at the bottom, again it says "employing one of said one

1 or more communication interfaces to" and then you have a,  
2 b, and c, a being receiving a request from a client  
3 device and c being thereafter receive and respond to a  
4 request from said requesting client device. And, so --  
5 first of all, as the court discussed earlier, the "one"  
6 means one has to do a, b, and c; but then even more  
7 poignant is that receive and respond to is all contained  
8 in one limitation. It's all contained in c.

9 And then also Mr. Pitcock gave an example  
10 saying additional things can be done in response but what  
11 he didn't say is that downloading couldn't be done in  
12 response and that's the point.

13 THE COURT: What he is suggesting and what I  
14 guess is something that concerns me, he is saying the  
15 response could include a download but that that download  
16 doesn't have to be through this same interface. Your  
17 construction would require that the download be through  
18 this same interface. Is that what I'm understanding?

19 MR. ACOSTA: Yes, your Honor. It says "a  
20 communication interface that must receive and respond to  
21 a request," and then again earlier in the claim it says  
22 "a communication interface to respond to a request by  
23 downloading the media file."

24 And let me clarify my earlier statement that  
25 this claim language said "media file," as your Honor



1 asked, but it says -- or excuse me -- "said request"; but  
2 it's referring to a request from a client device,  
3 received from a remotely located client device. So,  
4 "said request" is pointing back to "remotely located  
5 client device."

6 And once again, if you go down to part C of  
7 the very last limitation, it's receiving a request from a  
8 remotely located client device and responding to that  
9 request by downloading, which is overwhelmingly supported  
10 by the claim language, the description of the invention,  
11 and then also the figures.

12 THE COURT: Okay. Thank you.

13 All right. In addition to the claim  
14 construction issues, there's a motion to compel that is  
15 pending that I'd like to address at this time. Who on  
16 behalf of the plaintiff wants to address that?

17 MR. PITCOCK: Yes, your Honor. The motion to  
18 compel, is that what you're wanting us to address at this  
19 point?

20 THE COURT: Yes.

21 MR. PITCOCK: So, on October 10th, 2013, the  
22 defendants served -- or some of the defendants served  
23 their first set of invalidity contentions.

24 THE COURT: And let me interrupt a little bit.

25 MR. PITCOCK: Sure.

1 THE COURT: I have read the record on this and  
2 I guess what I want you to address is I -- I've read  
3 Judge Cousins' ruling on the motion that was filed in the  
4 Northern District of California; and, frankly, my initial  
5 impression on reading your motion was similar to one part  
6 of his ruling in that it appears to me that until there  
7 is a final ruling in the administrative proceeding, that  
8 this is premature. Why do we need to get into this now?

9 MR. PITCOCK: Sure. So, first, in fact  
10 discovery is going to end in this case in a month; and  
11 the IPR is not going to be over or final for some time.

12 Two, that only goes to the preclusion issue.  
13 If, for example, FOX which filed their complaint in  
14 Massachusetts before the IPR was filed would be found to  
15 be a real party in interest because of their  
16 communications with the EFF, then the IPR would be over.  
17 It would be finite right now. And without this discovery  
18 we can't determine whether or not FOX may have, you know,  
19 voided the IPR by being involved as a real party in  
20 interest and filing their litigation in Massachusetts.

21 THE COURT: That would be an issue that I  
22 would think would be appropriate to take up either in the  
23 IPR or in the Massachusetts action, but how does that  
24 relate to an issue before this court?

25 MR. PITCOCK: Well, that's really the second

1 point which is if you just took away the IPR altogether,  
2 if you had no IPR pending and the defendants had just  
3 communicated with a third party without any privilege  
4 regarding their prior art claims, there would be no  
5 reason to protect it and it would be directly relevant  
6 because they may very well -- it's the same prior art in  
7 the IPR that they have in their invalidity contentions.  
8 So, I don't know what their communications are because  
9 they haven't answered the interrogatory but I don't  
10 believe that they're privileged in any way and if they  
11 have to do with the credibility of witnesses, any  
12 evidence that might support that this prior art wasn't  
13 available, any problems with their case, anything like  
14 that, then I believe that those communications are  
15 relevant. They're not privileged, and there's no reason  
16 why we shouldn't have access to them.

17 THE COURT: If they don't include the mental  
18 impressions of their counsel about credibility or the  
19 effect of prior art or some other such issue, then of  
20 what use are they to you?

21 MR. PITCOCK: I'm sorry, sir?

22 THE COURT: What use are those communications  
23 to you except for the mental impressions of counsel?

24 MR. PITCOCK: The facts. I mean, they're --  
25 they have declarations in the IPR by supposed, you know,

1 declarants who were involved in the prior art, the same  
2 prior art in our case. There could easily be facts that  
3 were conveyed about each of these declarants that would  
4 be useful in our case that would not be protected and  
5 would have nothing to do with attorney work product.

6 THE COURT: If they're communications from  
7 counsel, they would definitely be work product, would  
8 they not?

9 MR. PITCOCK: They would be work product to  
10 the extent that they contained, you know, mental  
11 impressions or legal --

12 THE COURT: Mental impressions are just a  
13 particular type of work product. They're not -- I mean,  
14 work product is any document that's prepared in  
15 anticipation or furtherance of litigation by the party,  
16 the counsel, or a representative.

17 MR. PITCOCK: My understanding -- and it may  
18 be erroneous -- is that there is a distinction drawn  
19 between, you know, legal advice, legal -- you know,  
20 mental impressions having to do with the legal theory of  
21 the case and just factual matter that you put down even  
22 in notes, that just because they're created by an  
23 attorney doesn't necessarily make them work product.

24 THE COURT: I don't think that's correct. I  
25 think that the work product doctrine does not protect the

1 information. It protects documents; and the information,  
2 if it's otherwise discoverable, can be obtained through  
3 other means. The mental impressions of counsel are given  
4 special protection, and they're not discoverable without  
5 some very strong showing that frankly I don't know if  
6 I've ever seen but --

7 MR. PITCOCK: Well, unless they've been  
8 waived, your Honor, by communication with a third party.  
9 So, if the EFF isn't under a joint claim privilege and  
10 they shared any of that information with the EFF, then  
11 they have waived their work product privilege.

12 THE COURT: They would waive their  
13 attorney-client privilege by doing that. I think the  
14 work product is not as easily waived as attorney-client.  
15 I think that all it takes is some showing that the  
16 exchange was the sort of exchange that you would expect  
17 parties and lawyers to make in the ordinary pursuit of  
18 litigation. You can exchange documents with experts,  
19 with insurance adjusters, with vendors, with lots of  
20 people who would not be within the scope of the  
21 attorney-client privilege but are taken not to waive work  
22 product privilege -- we'll call it, even though I don't  
23 know that it's technically a privilege -- but work  
24 product protection under Rule 26.

25 But I -- anyway, if --

1 MR. PITCOCK: If -- I'm sorry, your Honor.

2 THE COURT: Well, I guess I'm trying to  
3 distinguish if what you're after here is a very specific  
4 sort of document, I -- maybe what I need to find out is  
5 from the plaintiff -- I mean from the defense whether  
6 they're -- whether they are withholding any response  
7 whatsoever or only withholding certain kinds of  
8 documents. Let me hear from them first.

9 MS. AINSWORTH: Your Honor, Jennifer Ainsworth  
10 on behalf of the defendants. And I would point out just  
11 procedurally that this motion was brought against  
12 Defendants NBC and CBS, I believe, because there was a  
13 discussion about FOX.

14 For the big picture, your Honor, the plaintiff  
15 filed this motion to compel seeking discovery -- telling  
16 the court that they're seeking discovery on whether the  
17 defendants are the real parties in interest with this  
18 organization the EFF for purposes of possible estoppel.  
19 The problem is that they're moving to compel an answer to  
20 an interrogatory, and that interrogatory doesn't even ask  
21 that question. Instead, what they're seeking is a  
22 narrative description of communications regarding prior  
23 art which -- and they admit in their motion that this is  
24 work product communication with a party that we believe  
25 we share a common legal interest. So, therefore, we

1 believe that it's privileged communication. So, there's  
2 not a request for production involved here; but, instead,  
3 they've asked us for a narrative description of counsel's  
4 discussions with the EFF. And if the court has a  
5 particular question, I'll address that; or I can talk in  
6 more general terms.

7 But there is one other procedural issue that  
8 we wanted to update the court on because there was one  
9 change in circumstance from the time that we filed our  
10 response on Friday, which was that we learned late Friday  
11 that the patent trial and appeal board of the PT0 had  
12 instituted or accepted the IPR. In our response we had  
13 informed the court that that request was still pending,  
14 but then we learned later it had been accepted. So, on  
15 Monday we filed a notice with the court, which is Docket  
16 No. 112, that showed that it was accepted.

17 And we will be preparing or we prepared a  
18 motion to stay this proceeding on that basis. We'll be  
19 meeting and conferring with the plaintiffs on that later.  
20 But just that procedural point, we wanted to update the  
21 court on.

22 THE COURT: All right. Other than the other  
23 defendants in this litigation and perhaps the EFF, are  
24 there other persons or entities with whom there have been  
25 communications that fall within the description in this

1 interrogatory?

2 MS. AINSWORTH: Your Honor, there probably  
3 have been communications with other third parties -- for  
4 instance, potential prior art witnesses -- but those  
5 aren't -- those were the subject of the interrogatory but  
6 we met and conferred in person back in February on this  
7 and several weeks -- six weeks or so later we got this  
8 motion which appears to have moved away from those other  
9 issues they were asking about and solely focused on the  
10 discussion -- or any communications with the EFF with  
11 regard to prior art.

12 THE COURT: Okay.

13 MS. AINSWORTH: So, I believe that's the scope  
14 of the motion.

15 THE COURT: All right. Thank you. Let me let  
16 Mr. Pitcock speak to that. Thank you, Ms. Ainsworth.

17 MR. PITCOCK: So, your Honor, they've produced  
18 all their communications directly with third-party  
19 witnesses. So, there's no reason to describe them in  
20 response to our interrogatory or move to compel them. As  
21 far as we know, they're not trying to withhold any of  
22 their direct communications with third-party witnesses on  
23 work product. It's only apparently their communications  
24 with the EFF which, you know, it's obviously directly  
25 relevant since they're seeking now to stay this case, you



1 know, in light of the IPR grant, you know, and if in fact  
2 these communications aren't privileged and they should be  
3 responding to the interrogatories to let us show that one  
4 of the defendants might have been a real party in  
5 interest, it could stop the IPR altogether and certainly  
6 render their motion for stay moot.

7 THE COURT: Well, I am going to deny the  
8 motion to compel at this point. I think the only  
9 relevance it has at this stage to this case is premature.  
10 I will, however, state for the record that I would direct  
11 NBC and CBS to preserve the documents that are identified  
12 in the interrogatory. In the event that the IPR results  
13 in an outcome that puts the collateral estoppel effect at  
14 issue, you can re-urge your motion and we'll take it up  
15 at that time.

16 So, what I want to do is avoid the possibility  
17 that the discovery is allowed at a later date and the  
18 defendants represent that the documents have not been  
19 maintained in between.

20 MS. AINSWORTH: We will certainly do that,  
21 your Honor.

22 THE COURT: All right. Well, that disposes of  
23 that motion; and we will issue a claim construction  
24 ruling as soon as possible. I appreciate your  
25 attendance. Thank you.

1 Ms. Ainsworth, is there anything else?

2 MS. AINSWORTH: I'm sorry, your Honor.  
3 Everybody already stood up.

4 There was one minor housekeeping matter that  
5 I'd like to bring to the court's attention to just flag  
6 an issue for your Honor.

7 THE COURT: Go ahead.

8 MS. AINSWORTH: And this is several months  
9 out. But we received an order or a notice from the court  
10 the other day which moved the jury selection date to the  
11 second week of September, I believe September 8th; and  
12 because of that we just wanted to mention to the court  
13 that when the court is looking at the trial date for this  
14 case, there are dates later in September during which NBC  
15 and CBS and FOX's lead counsel and other counsel have  
16 religious holidays and would not be able to participate  
17 in trial. Those would begin around September 24th. And  
18 we know this is a long time off, but we didn't want to  
19 surprise the court with that at the last minute. So, we  
20 just wanted to alert you to that at this point.

21 THE COURT: And I appreciate that. Certainly  
22 that's something that could affect where we put this case  
23 in the order of cases on that September 8 docket. I'll  
24 note at that time that you have brought it to our  
25 attention now.

1 MS. AINSWORTH: Thank you, your Honor.

2 THE COURT: Thank you.

3 All right. Thank you, and we're adjourned.

4 (Proceedings adjourned, 12:02 p.m.)

5  
6 COURT REPORTER'S CERTIFICATION

7 I HEREBY CERTIFY THAT ON THIS DATE, MAY 8,  
8 2014, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE  
9 RECORD OF PROCEEDINGS.

10  
11  
12 /s/  
13 TONYA JACKSON, RPR-CRR  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<b>\$</b>	<b>2</b>	<b>50</b> [6] - 83:12, 83:17, 84:3, 85:9, 85:13, 95:24 <b>51</b> [6] - 55:24, 83:20, 84:1, 84:3, 84:8, 85:14 <b>52</b> [1] - 74:14 <b>53</b> [2] - 3:8, 30:24 <b>55</b> [1] - 51:5 <b>58</b> [1] - 30:9 <b>5950</b> [1] - 1:21
<b>\$15</b> [1] - 32:20	<b>2</b> [7] - 28:18, 28:19, 29:18, 29:19, 32:10, 43:7 <b>20005</b> [1] - 2:11 <b>2013</b> [1] - 97:21 <b>2014</b> [3] - 1:4, 61:9, 107:8 <b>21</b> [2] - 23:15, 93:20 <b>2195</b> [1] - 2:19 <b>22</b> [3] - 24:15, 34:11, 93:19 <b>220</b> [1] - 1:16 <b>22nd</b> [1] - 26:5 <b>23</b> [6] - 24:6, 24:11, 24:18, 24:22, 24:23, 25:7 <b>239</b> [1] - 2:23 <b>24</b> [3] - 1:4, 25:3, 93:19 <b>24th</b> [1] - 106:17 <b>25</b> [1] - 25:19 <b>26</b> [5] - 26:15, 26:24, 28:22, 28:23, 101:24 <b>27</b> [1] - 28:19 <b>2:13-13</b> [1] - 4:4 <b>2:13CV13</b> [1] - 1:3	<b>6</b>
<b>'</b>		<b>6</b> [4] - 11:19, 11:23, 17:5, 71:14 <b>6000</b> [1] - 2:16 <b>607</b> [1] - 2:10 <b>63</b> [2] - 32:5, 32:7 <b>65</b> [3] - 3:9, 72:15, 76:20 <b>68</b> [1] - 74:5
<b>'504</b> [2] - 12:1, 12:14 <b>'alkaline</b> [1] - 12:8 <b>'downloading</b> [1] - 22:5 <b>'downloading'</b> [2] - 34:12, 35:19 <b>'one'</b> [2] - 87:21, 87:23 <b>'selecting</b> [1] - 86:21 <b>'streamed'</b> [1] - 22:2 <b>'streaming</b> [1] - 35:21		<b>7</b>
<b>/</b>		<b>7</b> [2] - 30:9, 93:19 <b>74</b> [1] - 83:5 <b>75</b> [1] - 86:4 <b>75202</b> [1] - 2:17 <b>75225</b> [1] - 1:22 <b>75606</b> [1] - 1:17 <b>75671</b> [1] - 2:3 <b>75711</b> [1] - 2:14 <b>77</b> [1] - 3:10 <b>77701</b> [1] - 2:23 <b>77706</b> [1] - 2:19
<b>/s</b> [1] - 107:12		<b>8</b>
<b>0</b>	<b>3</b>	<b>8</b> [10] - 3:4, 3:5, 22:11, 24:6, 24:11, 24:23, 25:7, 37:24, 106:23, 107:7 <b>800</b> [1] - 2:10 <b>82</b> [1] - 93:12 <b>83</b> [1] - 93:13 <b>88</b> [1] - 34:11 <b>8th</b> [1] - 106:11
<b>02110</b> [1] - 1:25		<b>9</b>
<b>1</b>		<b>9</b> [2] - 17:5, 66:12 <b>90071</b> [1] - 2:6 <b>901</b> [1] - 2:16 <b>909</b> [1] - 2:13 <b>97</b> [2] - 3:13, 30:15 <b>9:04</b> [1] - 1:6
<b>1</b> [18] - 1:9, 16:15, 16:18, 24:6, 24:10, 24:16, 24:23, 25:7, 26:15, 37:23, 40:4, 43:6, 51:12, 58:7, 75:8, 75:12 <b>1-minute-and-26-second</b> [1] - 26:13 <b>10</b> [1] - 89:11 <b>10036</b> [1] - 1:19 <b>101</b> [3] - 11:9, 31:17, 31:19 <b>103</b> [2] - 11:10, 31:1 <b>10:38</b> [1] - 65:19 <b>10:55</b> [1] - 65:19 <b>10th</b> [1] - 97:21 <b>11</b> [1] - 17:5 <b>112</b> [1] - 103:16 <b>1127</b> [1] - 1:16 <b>113</b> [1] - 2:2 <b>124</b> [1] - 1:9 <b>125</b> [2] - 1:24, 51:12 <b>12:02</b> [1] - 107:4 <b>12TH</b> [1] - 1:19 <b>13</b> [1] - 24:18 <b>131</b> [2] - 16:21, 17:6 <b>132</b> [1] - 16:22 <b>133</b> [2] - 16:23, 17:8 <b>14</b> [3] - 32:2, 32:5, 41:18 <b>14TH</b> [1] - 2:10 <b>15</b> [2] - 32:2, 41:9 <b>1501</b> [1] - 1:19 <b>16</b> [2] - 41:9, 71:3 <b>18</b> [1] - 51:5 <b>19</b> [5] - 3:6, 20:13, 21:22, 93:19, 93:20 <b>1997</b> [1] - 21:19	<b>4</b>	<b>A</b>
	<b>4</b> [4] - 11:4, 55:7, 58:2, 58:6 <b>400</b> [1] - 2:13 <b>410</b> [1] - 1:22 <b>42</b> [1] - 3:7 <b>44</b> [1] - 45:9 <b>45</b> [2] - 30:24, 44:3 <b>47TH</b> [1] - 2:5	<b>a.m</b> [2] - 65:19 <b>A.M</b> [1] - 1:6
	<b>5</b>	
	<b>5</b> [1] - 30:24	

<p><b>ability</b> [1] - 25:21</p> <p><b>able</b> [3] - 29:22, 47:23, 106:16</p> <p><b>absolutely</b> [5] - 13:19, 16:6, 23:9, 91:4, 94:5</p> <p><b>abstract</b> [2] - 43:15, 60:11</p> <p><b>abstracted</b> [1] - 63:5</p> <p><b>abstraction</b> [4] - 62:23, 63:5, 63:23, 64:24</p> <p><b>academic</b> [1] - 58:11</p> <p><b>accepted</b> [3] - 103:12, 103:14, 103:16</p> <p><b>access</b> [3] - 60:13, 60:16, 99:16</p> <p><b>accessible</b> [9] - 47:12, 51:13, 52:25, 53:3, 55:16, 55:17, 56:10, 58:5, 95:12</p> <p><b>accompanied</b> [1] - 17:7</p> <p><b>accompany</b> [2] - 16:12, 17:10</p> <p><b>accordance</b> [2] - 28:25, 29:17</p> <p><b>accused</b> [1] - 86:18</p> <p><b>ACOSTA</b> [21] - 2:15, 5:8, 54:5, 56:1, 57:6, 61:21, 62:4, 62:21, 63:14, 64:2, 64:16, 64:20, 65:1, 90:17, 91:12, 92:9, 92:15, 92:18, 93:6, 95:21, 96:19</p> <p><b>Acosta</b> [7] - 5:9, 5:11, 51:5, 54:6, 65:2, 90:17, 95:17</p> <p><b>action</b> [3] - 67:21, 72:5, 98:23</p> <p><b>actual</b> [1] - 93:23</p> <p><b>Adam</b> [2] - 5:13, 33:20</p> <p><b>add</b> [9] - 8:19, 42:5, 68:22, 68:24, 70:15, 73:25, 82:12, 88:25, 94:17</p> <p><b>added</b> [4] - 8:15, 23:5, 68:25, 70:13</p> <p><b>adding</b> [5] - 19:4, 63:25, 64:18, 65:11, 74:1</p> <p><b>addition</b> [7] - 16:24, 18:24, 29:2, 46:20, 88:17, 95:3, 97:13</p> <p><b>additional</b> [5] - 22:20, 51:21, 73:12, 74:22, 96:10</p> <p><b>address</b> [31] - 6:22, 7:14, 8:24, 15:24, 19:13, 24:8, 30:19, 43:7, 45:20, 46:7, 46:17, 48:1, 48:6, 48:7, 52:4, 52:5, 53:16, 66:16, 75:17, 76:14, 76:18, 77:10, 77:23, 77:25, 88:24, 95:18, 97:15, 97:16, 97:18, 98:2, 103:5</p> <p><b>addressed</b> [6] - 8:22, 14:11, 20:9, 74:6, 79:2, 86:5</p> <p><b>addresses</b> [1] - 14:3</p> <p><b>addressing</b> [4] - 71:2, 73:6, 90:18, 92:7</p> <p><b>adjourned</b> [2] - 107:3, 107:4</p> <p><b>adjusters</b> [1] - 101:19</p> <p><b>administrative</b> [1] - 98:7</p> <p><b>admit</b> [3] - 49:19, 80:19, 102:23</p> <p><b>admitted</b> [2] - 42:8, 48:10</p> <p><b>adopt</b> [1] - 73:13</p> <p><b>adopted</b> [2] - 24:4, 91:6</p> <p><b>advance</b> [1] - 70:9</p> <p><b>advanced</b> [2] - 14:8, 37:23</p> <p><b>advertising</b> [2] - 16:4, 16:10</p> <p><b>advice</b> [1] - 100:19</p> <p><b>affect</b> [1] - 106:22</p> <p><b>afraid</b> [1] - 64:16</p>	<p><b>agnostic</b> [1] - 73:4</p> <p><b>agree</b> [13] - 27:17, 35:22, 42:3, 42:14, 44:18, 50:1, 69:6, 70:12, 73:22, 78:7, 84:11, 84:13, 88:13</p> <p><b>agreed</b> [2] - 71:17, 86:20</p> <p><b>agreement</b> [2] - 10:1, 27:15</p> <p><b>agrees</b> [1] - 42:21</p> <p><b>ahead</b> [5] - 6:21, 36:12, 52:17, 89:2, 106:7</p> <p><b>AIDED</b> [1] - 2:25</p> <p><b>AINSWORTH</b> [11] - 2:12, 4:13, 4:19, 4:21, 102:9, 104:2, 104:13, 105:20, 106:2, 106:8, 107:1</p> <p><b>Ainsworth</b> [5] - 4:14, 5:1, 102:9, 104:16, 106:1</p> <p><b>airplane</b> [3] - 21:1, 21:10, 21:16</p> <p><b>AL</b> [1] - 1:7</p> <p><b>alert</b> [1] - 106:20</p> <p><b>alkaline</b> [2] - 12:6, 19:1</p> <p><b>ALL</b> [1] - 4:1</p> <p><b>allow</b> [6] - 7:10, 29:9, 32:25, 84:15, 87:7, 94:3</p> <p><b>allowable</b> [1] - 37:22</p> <p><b>allowance</b> [5] - 68:8, 68:11, 75:19, 75:22, 75:25</p> <p><b>allowed</b> [2] - 39:1, 105:17</p> <p><b>almost</b> [1] - 65:7</p> <p><b>alone</b> [3] - 13:24, 42:16, 56:19</p> <p><b>ALSO</b> [1] - 2:20</p> <p><b>alternatives</b> [1] - 55:19</p> <p><b>altogether</b> [2] - 99:1, 105:5</p> <p><b>Amazon</b> [1] - 46:14</p> <p><b>amendments</b> [2] - 41:11, 41:12</p> <p><b>AND</b> [4] - 2:7, 3:9, 3:11, 3:11</p> <p><b>ANGELES</b> [1] - 2:6</p> <p><b>announcements</b> [1] - 16:23</p> <p><b>answer</b> [9] - 34:6, 38:13, 43:5, 43:11, 50:8, 53:10, 64:13, 94:5, 102:19</p> <p><b>ANSWER</b> [3] - 34:14, 34:19, 34:24</p> <p><b>answered</b> [2] - 46:5, 99:9</p> <p><b>antecedent</b> [6] - 19:21, 83:11, 84:5, 84:6, 85:9, 85:19</p> <p><b>anticipation</b> [1] - 100:15</p> <p><b>anytime</b> [1] - 44:21</p> <p><b>anyway</b> [5] - 27:19, 40:7, 40:9, 53:9, 101:25</p> <p><b>apologize</b> [2] - 53:18, 65:23</p> <p><b>apparatus</b> [3] - 41:1, 66:19, 66:20</p> <p><b>appeal</b> [1] - 103:11</p> <p><b>appear</b> [7] - 10:6, 10:7, 27:24, 42:6, 54:12, 69:3, 79:9</p> <p><b>appearances</b> [1] - 4:5</p> <p><b>APPEARANCES</b> [1] - 1:14</p> <p><b>appeared</b> [2] - 19:15, 35:3</p> <p><b>Apple</b> [1] - 20:23</p> <p><b>applicable</b> [1] - 83:8</p> <p><b>application</b> [2] - 20:10, 20:16</p> <p><b>applies</b> [1] - 45:4</p> <p><b>apply</b> [3] - 37:24, 37:25, 69:17</p>	<p><b>appreciate</b> [8] - 6:10, 18:4, 38:14, 70:22, 82:21, 88:11, 105:24, 106:21</p> <p><b>approach</b> [1] - 68:19</p> <p><b>approaches</b> [1] - 66:8</p> <p><b>appropriate</b> [2] - 19:25, 98:22</p> <p><b>APRIL</b> [1] - 1:4</p> <p><b>April</b> [1] - 26:5</p> <p><b>area</b> [1] - 9:18</p> <p><b>areas</b> [1] - 51:13</p> <p><b>argue</b> [9] - 30:19, 31:4, 38:25, 39:23, 45:4, 60:21, 61:4, 62:12, 70:18</p> <p><b>argued</b> [4] - 54:15, 56:4, 75:18, 90:25</p> <p><b>arguing</b> [10] - 8:18, 18:19, 49:23, 56:3, 56:7, 56:11, 56:12, 56:23, 89:18, 95:22</p> <p><b>argument</b> [33] - 5:22, 6:4, 14:8, 15:7, 15:16, 15:25, 24:3, 24:7, 25:9, 33:10, 33:14, 35:3, 35:22, 36:23, 36:24, 39:2, 39:22, 40:7, 40:20, 41:7, 41:17, 42:2, 48:4, 61:17, 65:7, 66:18, 67:4, 72:15, 79:8, 83:9, 86:25, 90:16</p> <p><b>arguments</b> [4] - 6:11, 40:3, 40:5, 42:1</p> <p><b>arrow</b> [1] - 58:3</p> <p><b>art</b> [31] - 23:23, 23:25, 33:20, 36:1, 37:16, 37:22, 38:20, 38:23, 40:13, 41:14, 42:7, 48:11, 53:11, 65:13, 67:8, 69:24, 69:25, 70:6, 70:7, 76:1, 76:7, 77:6, 99:4, 99:6, 99:12, 99:19, 100:1, 100:2, 102:23, 104:4, 104:11</p> <p><b>article</b> [3] - 21:19, 21:22, 36:19</p> <p><b>articulate</b> [1] - 43:1</p> <p><b>aspect</b> [2] - 88:13, 88:15</p> <p><b>aspects</b> [2] - 17:21, 88:12</p> <p><b>assembled</b> [10] - 67:2, 67:3, 67:18, 68:6, 68:16, 70:19, 71:5, 72:12, 74:2, 74:10</p> <p><b>assembling</b> [2] - 67:23, 72:6</p> <p><b>assembly</b> [2] - 68:5, 75:15</p> <p><b>asserted</b> [2] - 7:21, 25:13</p> <p><b>assigned</b> [1] - 72:21</p> <p><b>assigns</b> [1] - 72:18</p> <p><b>associated</b> [2] - 46:12, 46:16</p> <p><b>AstraZeneca</b> [10] - 11:22, 11:25, 12:1, 13:4, 13:12, 14:17, 15:5, 15:8, 15:18, 18:22</p> <p><b>attached</b> [1] - 22:11</p> <p><b>attempt</b> [2] - 44:13, 53:20</p> <p><b>attempted</b> [1] - 23:23</p> <p><b>attempting</b> [1] - 43:7</p> <p><b>attendance</b> [1] - 105:25</p> <p><b>ATTENDANCE</b> [1] - 2:20</p> <p><b>attention</b> [2] - 106:5, 106:25</p> <p><b>attorney</b> [5] - 100:5, 100:23, 101:13, 101:14, 101:21</p> <p><b>attorney-client</b> [3] - 101:13, 101:14, 101:21</p> <p><b>attribute</b> [1] - 83:24</p> <p><b>audience</b> [1] - 69:15</p> <p><b>AUDIO</b> [3] - 1:3, 1:15, 2:20</p> <p><b>audio</b> [34] - 8:14, 8:19, 8:21, 8:25, 9:24, 10:12, 10:25, 11:9, 11:14, 11:15,</p>
--	---	---

<p>12:16, 12:17, 12:24, 14:10, 16:8, 16:12, 16:13, 16:20, 16:24, 17:2, 17:6, 17:9, 18:1, 18:13, 18:19, 18:20, 19:4, 22:2, 22:6, 25:21, 25:22, 29:22, 69:7</p> <p><b>Audio</b> [18] - 4:3, 8:16, 14:9, 15:25, 22:10, 24:3, 26:8, 26:17, 30:25, 31:25, 33:7, 37:18, 37:19, 38:4, 38:10, 42:25, 46:11, 75:3</p> <p><b>Audio's</b> [2] - 14:3, 44:17</p> <p><b>AUSTIN</b> [1] - 2:2</p> <p><b>authenticity</b> [1] - 27:18</p> <p><b>automatically</b> [1] - 12:16</p> <p><b>automobile</b> [2] - 30:8, 30:10</p> <p><b>available</b> [11] - 29:5, 32:9, 32:10, 32:22, 66:4, 66:23, 72:24, 77:15, 77:16, 77:17, 99:13</p> <p><b>AVENUE</b> [1] - 2:5</p> <p><b>avoid</b> [1] - 105:16</p> <p><b>awhile</b> [1] - 32:21</p>	<p><b>boundaries</b> [1] - 9:18</p> <p><b>box</b> [7] - 29:19, 29:20, 29:25, 40:16, 58:3, 58:6</p> <p><b>boxes</b> [2] - 56:20, 58:8</p> <p><b>BRAD</b> [1] - 2:20</p> <p><b>Brad</b> [1] - 4:8</p> <p><b>breadth</b> [1] - 65:15</p> <p><b>breaks</b> [3] - 20:23, 79:15, 80:6</p> <p><b>BRIAN</b> [1] - 2:9</p> <p><b>Brian</b> [4] - 4:21, 20:13, 28:21, 45:9</p> <p><b>brief</b> [18] - 10:14, 14:3, 16:1, 21:19, 29:8, 33:11, 33:12, 36:15, 41:9, 42:7, 62:24, 67:11, 73:21, 74:7, 74:11, 89:4, 93:16, 94:9</p> <p><b>briefing</b> [11] - 11:21, 39:13, 55:3, 65:8, 65:25, 71:12, 71:23, 75:1, 75:2, 75:3, 91:18</p> <p><b>briefly</b> [7] - 6:8, 14:16, 18:11, 41:6, 53:19, 76:17, 88:24</p> <p><b>briefs</b> [3] - 5:25, 7:19, 62:11</p> <p><b>bring</b> [5] - 56:19, 85:3, 85:16, 85:22, 106:5</p> <p><b>bringing</b> [4] - 85:2, 85:15, 85:17, 85:24</p> <p><b>broad</b> [11] - 12:18, 13:8, 13:9, 13:19, 14:21, 15:1, 15:14, 15:23, 37:6, 83:18</p> <p><b>broadcast</b> [1] - 26:5</p> <p><b>Broadcasting</b> [1] - 4:15</p> <p><b>broadcasting</b> [1] - 26:5</p> <p><b>broadener</b> [7] - 12:13, 12:21, 15:9, 15:22, 53:21, 69:10, 73:9</p> <p><b>BROADWAY</b> [1] - 1:19</p> <p><b>broken</b> [1] - 81:24</p> <p><b>broken-out</b> [1] - 81:24</p> <p><b>brought</b> [2] - 102:11, 106:24</p> <p><b>BROWNE</b> [1] - 1:21</p> <p><b>browser</b> [2] - 53:5, 53:7</p> <p><b>buffer</b> [5] - 32:25, 33:4, 39:5, 41:17, 41:19</p> <p><b>buffers</b> [1] - 41:20</p> <p><b>build</b> [1] - 59:12</p> <p><b>built</b> [2] - 10:3, 14:23</p> <p><b>bullet</b> [2] - 28:23, 71:6</p> <p><b>bunch</b> [1] - 59:11</p> <p><b>burden</b> [1] - 14:24</p> <p><b>BURG</b> [1] - 2:2</p> <p><b>BURNS</b> [1] - 1:24</p> <p><b>buttresses</b> [1] - 36:25</p> <p><b>buy</b> [1] - 32:18</p>	<p><b>cartridge</b> [2] - 25:5, 25:6</p> <p><b>cartridges</b> [1] - 39:14</p> <p><b>case</b> [36] - 6:20, 11:22, 11:23, 12:6, 13:6, 15:8, 15:17, 15:18, 18:9, 18:21, 21:24, 22:11, 24:12, 25:20, 33:17, 37:9, 38:6, 50:16, 56:24, 79:23, 79:24, 86:24, 87:4, 89:5, 90:4, 98:10, 99:13, 100:2, 100:4, 100:21, 104:25, 105:9, 106:14, 106:22</p> <p><b>Case</b> [1] - 4:4</p> <p><b>cases</b> [9] - 11:22, 13:9, 14:13, 14:16, 14:18, 14:25, 19:5, 67:10, 106:23</p> <p><b>catalog</b> [1] - 29:20</p> <p><b>CBS</b> [7] - 2:7, 2:21, 4:14, 4:23, 102:12, 105:11, 106:15</p> <p><b>CEO</b> [1] - 4:9</p> <p><b>certain</b> [4] - 33:19, 66:20, 79:12, 102:7</p> <p><b>certainly</b> [6] - 15:18, 38:7, 89:7, 94:20, 105:5, 105:20</p> <p><b>Certainly</b> [2] - 87:20, 106:21</p> <p><b>CERTIFICATION</b> [1] - 107:6</p> <p><b>CERTIFY</b> [1] - 107:7</p> <p><b>cetera</b> [3] - 26:1, 58:7, 66:1</p> <p><b>chance</b> [1] - 89:2</p> <p><b>change</b> [2] - 64:1, 103:9</p> <p><b>characterize</b> [1] - 24:8</p> <p><b>Chaudhari</b> [2] - 4:9, 66:7</p> <p><b>CHAUDHARI</b> [1] - 1:20</p> <p><b>choose</b> [1] - 16:25</p> <p><b>chose</b> [1] - 75:9</p> <p><b>Circuit</b> [12] - 9:9, 12:6, 12:10, 13:24, 15:2, 15:16, 33:13, 67:10, 86:5, 86:19, 87:14, 87:20</p> <p><b>Circuit's</b> [1] - 68:20</p> <p><b>circumstance</b> [1] - 103:9</p> <p><b>circumstances</b> [1] - 75:9</p> <p><b>citation</b> [1] - 71:18</p> <p><b>cite</b> [9] - 11:21, 14:13, 18:16, 33:10, 39:1, 53:24, 68:9, 71:23, 77:1</p> <p><b>cited</b> [9] - 10:14, 31:25, 36:20, 42:23, 67:11, 71:3, 71:6, 71:12, 93:15</p> <p><b>cites</b> [4] - 29:7, 30:25, 33:7, 39:9</p> <p><b>citing</b> [4] - 18:15, 72:1, 72:10</p> <p><b>claim</b> [197] - 4:3, 6:15, 6:19, 7:20, 7:21, 7:23, 7:24, 8:9, 9:10, 9:11, 10:7, 12:4, 12:12, 12:18, 13:6, 13:7, 13:9, 13:19, 13:25, 14:21, 14:22, 14:25, 15:7, 15:9, 15:10, 15:11, 15:14, 15:15, 15:22, 15:23, 16:11, 17:3, 21:18, 22:21, 23:3, 23:15, 24:7, 24:9, 24:10, 24:11, 24:16, 24:18, 24:22, 25:15, 27:10, 34:13, 36:15, 37:21, 38:1, 40:4, 40:21, 40:23, 41:1, 41:9, 43:20, 44:4, 44:5, 44:10, 44:25, 45:5, 45:15, 45:19, 45:24, 48:25, 49:4, 49:14, 49:19, 49:23, 51:25, 52:10, 53:21, 54:13, 56:8, 57:4, 57:16, 58:17, 59:19, 60:3, 61:13, 63:8, 63:16, 63:17, 63:20, 64:22, 66:18, 66:19, 67:11, 67:19, 68:3, 68:14, 68:19, 68:21, 68:25, 69:2, 70:20, 71:7, 71:8, 71:13, 71:19,</p>
<b>B</b>		
<p><b>Bally</b> [2] - 87:1, 89:15</p> <p><b>BARTOLOMEI</b> [1] - 1:21</p> <p><b>based</b> [3] - 5:25, 57:16, 60:21</p> <p><b>baseline</b> [1] - 46:23</p> <p><b>basic</b> [4] - 43:5, 46:18, 47:1, 61:7</p> <p><b>basis</b> [11] - 6:11, 13:24, 19:21, 35:25, 37:16, 83:11, 84:5, 84:6, 85:9, 85:20, 103:18</p> <p><b>BEAUMONT</b> [2] - 2:19, 2:23</p> <p><b>become</b> [2] - 66:23, 72:24</p> <p><b>BEFORE</b> [1] - 1:11</p> <p><b>begin</b> [3] - 8:4, 9:19, 106:17</p> <p><b>beginning</b> [3] - 15:3, 32:7, 85:13</p> <p><b>behalf</b> [6] - 4:14, 8:4, 42:11, 82:22, 97:16, 102:10</p> <p><b>belief</b> [1] - 6:1</p> <p><b>BERKSHIRE</b> [1] - 1:21</p> <p><b>best</b> [1] - 21:6</p> <p><b>better</b> [3] - 6:6, 80:25, 81:23</p> <p><b>between</b> [16] - 8:13, 9:20, 11:8, 17:9, 17:12, 18:21, 19:5, 21:20, 21:25, 36:20, 39:11, 44:16, 55:2, 62:9, 100:19, 105:19</p> <p><b>beyond</b> [1] - 51:20</p> <p><b>big</b> [1] - 102:14</p> <p><b>binder</b> [4] - 65:24, 65:25, 66:12, 71:13</p> <p><b>bit</b> [8] - 16:17, 43:18, 51:6, 54:7, 62:22, 75:25, 97:24</p> <p><b>board</b> [1] - 103:11</p> <p><b>body</b> [5] - 13:18, 13:20, 13:23, 13:25</p> <p><b>boilerplate</b> [1] - 38:5</p> <p><b>bolstered</b> [1] - 60:4</p> <p><b>book</b> [2] - 20:14, 67:22</p> <p><b>books</b> [1] - 48:12</p> <p><b>BOSTON</b> [1] - 1:25</p> <p><b>bother</b> [1] - 82:2</p> <p><b>bottom</b> [2] - 32:1, 95:25</p>	<b>C</b>	
	<p><b>calendar</b> [1] - 47:13</p> <p><b>California</b> [1] - 98:4</p> <p><b>CALIFORNIA</b> [1] - 2:6</p> <p><b>camera</b> [1] - 90:20</p> <p><b>Canadian</b> [1] - 26:5</p> <p><b>cannot</b> [1] - 60:13</p> <p><b>car</b> [1] - 29:10</p> <p><b>Carolla</b> [1] - 5:14</p>	

<p>71:20, 71:22, 71:24, 72:10, 72:16, 72:18, 72:19, 73:1, 73:7, 73:9, 73:13, 73:20, 73:21, 74:3, 74:21, 74:25, 75:3, 75:6, 75:8, 75:10, 75:12, 75:13, 76:15, 77:4, 78:1, 78:4, 78:10, 78:14, 78:18, 79:8, 79:11, 79:19, 80:1, 80:4, 80:13, 80:18, 80:21, 80:23, 81:11, 81:13, 81:23, 83:12, 83:16, 84:10, 84:15, 84:22, 85:6, 85:8, 85:21, 86:3, 86:13, 86:19, 87:1, 87:6, 87:15, 87:21, 89:10, 89:15, 89:22, 90:4, 90:7, 91:1, 91:8, 91:9, 91:19, 91:22, 91:25, 92:5, 92:10, 92:13, 92:21, 93:3, 93:7, 94:3, 94:11, 94:20, 95:23, 95:24, 96:21, 96:25, 97:10, 97:13, 101:9, 105:23</p> <p><b>CLAIM</b> [1] - 1:10</p> <p><b>claimed</b> [3] - 41:14, 75:11, 94:14</p> <p><b>claiming</b> [2] - 10:10, 47:20</p> <p><b>claims</b> [34] - 7:21, 7:23, 10:2, 13:11, 13:25, 17:1, 24:6, 24:12, 24:13, 24:23, 25:7, 25:13, 28:14, 30:17, 37:23, 37:25, 39:17, 43:24, 44:20, 47:24, 54:16, 56:13, 58:15, 61:12, 62:8, 63:4, 63:7, 69:17, 70:10, 80:20, 81:21, 86:14, 99:4</p> <p><b>Clanton</b> [2] - 23:21, 40:13</p> <p><b>Clanton's</b> [1] - 40:16</p> <p><b>clarified</b> [1] - 91:13</p> <p><b>clarify</b> [3] - 43:1, 62:21, 96:24</p> <p><b>clarifying</b> [1] - 64:8</p> <p><b>clear</b> [27] - 10:11, 10:12, 16:7, 17:11, 21:19, 22:18, 23:6, 25:20, 28:19, 29:8, 31:8, 41:13, 44:20, 45:25, 49:2, 50:17, 50:22, 55:22, 56:2, 56:8, 64:21, 67:15, 73:1, 78:19, 80:3, 80:10, 93:7</p> <p><b>clearly</b> [11] - 14:18, 16:15, 16:19, 18:14, 27:4, 43:18, 45:15, 74:18, 75:11, 83:6, 88:1</p> <p><b>click</b> [1] - 32:24</p> <p><b>client</b> [11] - 22:22, 40:25, 96:2, 96:4, 97:2, 97:3, 97:5, 97:8, 101:13, 101:14, 101:21</p> <p><b>clip</b> [5] - 22:2, 22:3, 22:6, 26:13, 74:16</p> <p><b>closely</b> [1] - 31:6</p> <p><b>closest</b> [1] - 76:1</p> <p><b>closet</b> [1] - 85:12</p> <p><b>co</b> [1] - 26:10</p> <p><b>co-owner</b> [1] - 26:10</p> <p><b>coining</b> [1] - 13:3</p> <p><b>collateral</b> [1] - 105:13</p> <p><b>collected</b> [2] - 67:23, 72:7</p> <p><b>color</b> [3] - 54:24, 57:20, 58:23</p> <p><b>column</b> [22] - 11:4, 17:5, 30:9, 30:24, 32:2, 32:5, 41:18, 51:5, 83:12, 83:17, 83:20, 84:1, 84:3, 84:8, 85:9, 85:13, 85:14, 93:19, 95:24</p> <p><b>columns</b> [1] - 74:14</p> <p><b>combination</b> [1] - 86:22</p> <p><b>command</b> [15] - 68:20, 87:2, 87:7, 87:8, 87:11, 87:13, 87:14, 87:22, 87:23, 87:24, 89:8, 89:9, 89:14, 89:16</p>	<p><b>commands</b> [4] - 87:15, 87:17, 87:25, 89:12</p> <p><b>comment</b> [2] - 65:6, 65:16</p> <p><b>comments</b> [1] - 71:2</p> <p><b>common</b> [1] - 102:25</p> <p><b>commonly</b> [2] - 20:18, 20:19</p> <p><b>communicated</b> [1] - 99:3</p> <p><b>COMMUNICATION</b> [1] - 3:11</p> <p><b>communication</b> [39] - 29:4, 79:9, 79:12, 80:5, 80:14, 80:24, 81:10, 81:15, 81:19, 82:3, 82:5, 82:14, 83:7, 83:10, 83:13, 83:14, 83:19, 84:2, 84:23, 84:25, 85:10, 85:25, 88:16, 89:24, 90:9, 91:21, 91:23, 92:1, 92:5, 92:22, 93:8, 94:4, 95:14, 96:1, 96:20, 96:22, 101:8, 102:24, 103:1</p> <p><b>communications</b> [15] - 11:8, 32:8, 98:16, 99:8, 99:14, 99:22, 100:6, 102:22, 103:25, 104:3, 104:10, 104:18, 104:22, 104:23, 105:2</p> <p><b>company</b> [1] - 26:5</p> <p><b>Company</b> [1] - 4:16</p> <p><b>compare</b> [1] - 28:5</p> <p><b>compared</b> [1] - 13:15</p> <p><b>comparing</b> [1] - 92:13</p> <p><b>compel</b> [6] - 97:14, 97:18, 102:15, 102:19, 104:20, 105:8</p> <p><b>COMPEL</b> [1] - 3:13</p> <p><b>Compilation</b> [2] - 67:6, 77:4</p> <p><b>COMPILATION</b> [1] - 3:9</p> <p><b>compilation</b> [56] - 44:1, 44:2, 45:1, 57:17, 59:20, 60:1, 60:23, 63:18, 64:5, 65:21, 66:16, 66:24, 67:2, 67:3, 67:17, 67:21, 67:25, 68:3, 68:5, 68:13, 68:15, 69:18, 69:21, 70:8, 70:13, 70:18, 71:4, 71:10, 71:15, 72:2, 72:5, 72:25, 73:3, 73:5, 73:8, 73:10, 73:11, 73:22, 73:24, 74:1, 74:9, 74:24, 75:6, 75:14, 75:15, 76:4, 76:9, 76:23, 77:2, 77:7, 77:12, 77:14, 77:18, 83:21, 83:22, 83:25</p> <p><b>compilationfiles</b> [1] - 59:15</p> <p><b>compile</b> [1] - 77:20</p> <p><b>compiled</b> [6] - 67:17, 70:16, 70:19, 71:5, 72:12, 77:12</p> <p><b>compiling</b> [6] - 67:16, 72:8, 74:17, 76:25, 77:13, 77:15</p> <p><b>complaint</b> [1] - 98:13</p> <p><b>complete</b> [1] - 22:5</p> <p><b>completely</b> [4] - 27:20, 36:18, 73:4, 74:3</p> <p><b>comply</b> [1] - 27:25</p> <p><b>component</b> [1] - 37:12</p> <p><b>computer</b> [12] - 11:9, 22:4, 22:7, 22:15, 22:16, 46:13, 46:14, 48:20, 53:8, 75:16, 77:13, 77:19</p> <p><b>COMPUTER</b> [1] - 2:25</p> <p><b>COMPUTER-AIDED</b> [1] - 2:25</p> <p><b>COMPUTERIZED</b> [1] - 2:24</p> <p><b>conceivable</b> [2] - 81:18, 95:13</p> <p><b>concentrated</b> [1] - 18:24</p>	<p><b>concentration</b> [1] - 19:24</p> <p><b>concept</b> [3] - 10:6, 17:25, 74:1</p> <p><b>concern</b> [2] - 47:5, 95:9</p> <p><b>concerned</b> [1] - 50:10</p> <p><b>concerning</b> [1] - 54:10</p> <p><b>concerns</b> [1] - 96:14</p> <p><b>conclude</b> [1] - 47:5</p> <p><b>concluded</b> [1] - 12:10</p> <p><b>conclusions</b> [1] - 5:25</p> <p><b>concurrently</b> [1] - 32:14</p> <p><b>conduct</b> [2] - 84:7, 84:23</p> <p><b>confer</b> [1] - 27:14</p> <p><b>conferred</b> [1] - 104:6</p> <p><b>conferring</b> [1] - 103:19</p> <p><b>confirmation</b> [1] - 22:9</p> <p><b>confirmed</b> [1] - 37:13</p> <p><b>confirms</b> [1] - 17:16</p> <p><b>confusion</b> [2] - 19:18, 49:6</p> <p><b>connect</b> [1] - 32:9</p> <p><b>connected</b> [2] - 83:5, 92:1</p> <p><b>consequences</b> [1] - 38:8</p> <p><b>consider</b> [2] - 28:11, 36:6</p> <p><b>considered</b> [1] - 36:10</p> <p><b>consist</b> [2] - 18:13, 18:16</p> <p><b>consistent</b> [6] - 30:13, 36:18, 44:5, 60:5, 68:19, 79:22</p> <p><b>consisting</b> [1] - 5:13</p> <p><b>constitute</b> [1] - 58:10</p> <p><b>constitutes</b> [1] - 52:5</p> <p><b>CONSTRUCTION</b> [1] - 1:10</p> <p><b>construction</b> [60] - 4:3, 7:12, 8:10, 8:16, 9:5, 10:1, 10:4, 21:18, 22:17, 22:18, 22:21, 23:1, 24:4, 27:11, 33:8, 34:13, 35:9, 36:15, 41:9, 42:3, 42:24, 43:9, 43:15, 44:8, 44:22, 45:7, 45:8, 45:10, 45:16, 47:8, 59:23, 60:4, 62:19, 64:21, 65:11, 67:20, 68:19, 71:7, 71:8, 71:14, 71:19, 71:20, 71:22, 71:24, 72:10, 73:13, 78:25, 81:15, 83:4, 84:10, 84:12, 84:21, 91:1, 91:7, 95:6, 95:18, 96:17, 97:14, 105:23</p> <p><b>constructions</b> [3] - 5:19, 5:21, 5:24</p> <p><b>construe</b> [1] - 43:4</p> <p><b>construed</b> [3] - 19:14, 54:17, 79:4</p> <p><b>construing</b> [1] - 92:17</p> <p><b>consumer</b> [1] - 22:3</p> <p><b>consumer's</b> [2] - 22:3, 22:7</p> <p><b>contain</b> [2] - 18:19, 67:15</p> <p><b>contained</b> [7] - 34:9, 65:8, 66:12, 83:24, 96:7, 96:8, 100:10</p> <p><b>containing</b> [2] - 51:9, 55:6</p> <p><b>contains</b> [1] - 68:13</p> <p><b>contemplate</b> [1] - 95:1</p> <p><b>contemplated</b> [2] - 63:7, 95:11</p> <p><b>contemplates</b> [3] - 80:5, 80:23, 81:17</p> <p><b>contend</b> [1] - 74:15</p> <p><b>content</b> [1] - 77:16</p> <p><b>contentions</b> [2] - 97:23, 99:7</p> <p><b>contents</b> [1] - 40:18</p>
---	---	--

<p><b>context</b> [8] - 24:9, 33:24, 43:22, 53:11, 74:18, 77:19, 80:22, 91:4</p> <p><b>continue</b> [2] - 58:12, 60:6</p> <p><b>contrary</b> [2] - 6:3, 14:13</p> <p><b>contrast</b> [1] - 22:1</p> <p><b>contrasted</b> [1] - 22:4</p> <p><b>convenient</b> [1] - 25:18</p> <p><b>conventional</b> [1] - 31:1</p> <p><b>conversation</b> [1] - 14:5</p> <p><b>conveyed</b> [1] - 100:3</p> <p><b>copied</b> [1] - 48:19</p> <p><b>copies</b> [2] - 65:25, 66:2</p> <p><b>copy</b> [4] - 11:17, 22:5, 22:14, 66:5</p> <p><b>copying</b> [1] - 48:21</p> <p><b>CORNELIUS</b> [1] - 2:12</p> <p><b>CORPORATION</b> [2] - 2:7, 2:21</p> <p><b>Corporation</b> [1] - 4:15</p> <p><b>CORRECT</b> [1] - 107:8</p> <p><b>correct</b> [9] - 8:1, 12:25, 13:2, 83:4, 84:12, 84:22, 88:10, 88:11, 100:24</p> <p><b>Correct</b> [1] - 92:15</p> <p><b>corresponding</b> [3] - 58:21, 76:4, 76:10</p> <p><b>coterminous</b> [2] - 9:4, 9:15</p> <p><b>counsel</b> [12] - 4:5, 4:9, 4:17, 5:4, 5:18, 99:18, 99:23, 100:7, 100:16, 101:3, 106:15</p> <p><b>counsel's</b> [1] - 103:3</p> <p><b>couple</b> [1] - 57:15</p> <p><b>COURT</b> [129] - 1:1, 2:22, 4:1, 4:2, 4:12, 4:25, 5:6, 5:11, 5:16, 6:16, 6:20, 7:2, 7:8, 7:16, 7:19, 7:25, 8:2, 8:20, 11:20, 12:22, 13:1, 18:4, 18:6, 18:9, 19:7, 19:11, 20:4, 23:7, 25:17, 26:19, 27:2, 27:12, 28:7, 28:17, 35:11, 36:4, 36:12, 38:14, 38:17, 41:4, 41:24, 42:1, 42:9, 44:10, 45:3, 45:20, 47:4, 48:3, 48:24, 49:8, 49:14, 49:22, 50:3, 51:25, 52:12, 52:14, 52:17, 53:14, 54:4, 57:5, 61:16, 62:1, 62:14, 63:8, 63:25, 64:15, 64:18, 64:25, 65:2, 65:17, 65:20, 66:3, 66:6, 66:9, 66:14, 68:18, 69:21, 70:12, 70:21, 70:25, 76:16, 76:19, 77:9, 77:22, 78:24, 80:10, 81:3, 82:2, 82:12, 82:21, 84:13, 84:18, 84:20, 88:8, 88:21, 89:1, 90:15, 91:10, 92:6, 92:12, 92:16, 93:2, 94:8, 94:23, 95:5, 95:9, 95:17, 96:13, 97:12, 97:20, 97:24, 98:1, 98:21, 99:17, 99:22, 100:6, 100:12, 100:24, 101:12, 102:2, 103:22, 104:12, 104:15, 105:7, 105:22, 106:7, 106:21, 107:2, 107:6</p> <p><b>court</b> [47] - 5:23, 6:5, 8:24, 9:5, 9:20, 11:17, 11:19, 13:20, 16:17, 18:2, 20:14, 22:1, 25:15, 25:18, 26:2, 27:1, 28:2, 28:3, 37:5, 37:8, 38:9, 54:16, 55:8, 55:16, 55:23, 57:13, 61:14, 62:6, 66:2, 86:20, 89:9, 89:25, 90:21, 91:3, 91:6, 96:5, 98:24, 102:16, 103:4, 103:8, 103:13, 103:15, 103:21, 106:9, 106:12, 106:13, 106:19</p> <p><b>court's</b> [16] - 8:10, 8:15, 9:5, 9:22,</p>	<p>10:1, 10:3, 22:18, 22:21, 23:17, 43:14, 44:7, 46:13, 47:10, 47:13, 48:18, 106:5</p> <p><b>courtroom</b> [2] - 56:20, 56:21</p> <p><b>Cousins'</b> [1] - 98:3</p> <p><b>covering</b> [1] - 17:23</p> <p><b>covers</b> [1] - 73:9</p> <p><b>create</b> [1] - 74:24</p> <p><b>created</b> [4] - 73:5, 73:8, 73:11, 100:22</p> <p><b>creation</b> [1] - 75:5</p> <p><b>credibility</b> [2] - 99:11, 99:18</p> <p><b>critical</b> [2] - 68:8, 90:19</p> <p><b>CRR</b> [2] - 2:22, 107:12</p> <p><b>CRUTCHER</b> [1] - 2:4</p> <p><b>crying</b> [1] - 20:23</p> <p><b>cups</b> [1] - 64:12</p> <p><b>current</b> [2] - 29:2, 68:13</p> <p><b>cut</b> [1] - 6:4</p>	<p>61:10</p> <p><b>defines</b> [7] - 10:2, 14:20, 15:23, 16:14, 39:19, 59:4, 85:11</p> <p><b>defining</b> [5] - 11:12, 51:7, 54:8, 83:14, 85:10</p> <p><b>definitely</b> [1] - 100:7</p> <p><b>definition</b> [20] - 21:21, 22:12, 22:13, 31:14, 31:22, 32:21, 44:14, 46:8, 58:13, 59:7, 61:8, 61:20, 67:21, 71:4, 71:8, 71:15, 72:1, 72:2, 72:3, 72:9</p> <p><b>degree</b> [3] - 53:8, 70:1, 94:10</p> <p><b>delivered</b> [1] - 22:6</p> <p><b>deny</b> [1] - 105:7</p> <p><b>dependent</b> [3] - 7:23, 15:11, 16:11</p> <p><b>deposed</b> [2] - 33:21, 34:3</p> <p><b>deposition</b> [6] - 34:10, 35:16, 42:8, 48:10, 66:1, 66:11</p> <p><b>describe</b> [5] - 11:3, 63:11, 83:13, 94:24, 104:19</p> <p><b>described</b> [10] - 16:18, 17:20, 26:10, 28:4, 30:13, 51:17, 67:10, 68:16, 83:17, 84:3</p> <p><b>describes</b> [3] - 69:8, 76:24, 86:15</p> <p><b>describing</b> [2] - 10:9, 26:15</p> <p><b>description</b> [8] - 11:5, 51:21, 73:23, 83:18, 97:10, 102:22, 103:3, 103:25</p> <p><b>designed</b> [1] - 38:5</p> <p><b>desirable</b> [1] - 29:1</p> <p><b>despite</b> [1] - 94:13</p> <p><b>detailed</b> [1] - 11:5</p> <p><b>determine</b> [3] - 34:22, 67:13, 98:18</p> <p><b>determined</b> [1] - 64:6</p> <p><b>determining</b> [1] - 28:14</p> <p><b>deviating</b> [2] - 45:15, 45:18</p> <p><b>device</b> [24] - 11:10, 19:17, 21:10, 21:15, 22:22, 29:9, 40:7, 40:25, 41:3, 68:10, 86:18, 87:4, 87:9, 87:18, 87:23, 89:8, 89:10, 96:3, 96:4, 97:2, 97:3, 97:5, 97:8</p> <p><b>devices</b> [9] - 87:3, 87:12, 87:13, 87:16, 87:22, 87:24, 89:13, 89:17, 90:2</p> <p><b>dictate</b> [1] - 41:2</p> <p><b>dictionary</b> [2] - 22:12, 22:13</p> <p><b>dictionary's</b> [1] - 72:2</p> <p><b>difference</b> [5] - 18:21, 19:5, 21:25, 24:2, 36:20</p> <p><b>different</b> [28] - 9:11, 9:16, 9:17, 12:3, 17:13, 18:16, 20:12, 30:15, 35:12, 37:11, 37:13, 37:19, 39:1, 44:12, 45:25, 74:20, 78:22, 79:15, 80:7, 81:19, 82:18, 88:5, 90:7, 94:14, 94:15, 95:1, 95:7, 95:14</p> <p><b>differentiation</b> [5] - 15:8, 15:16, 24:7, 24:10, 39:17</p> <p><b>differing</b> [1] - 79:1</p> <p><b>Digital</b> [1] - 5:9</p> <p><b>digital</b> [7] - 24:15, 24:17, 24:20, 25:8, 35:24, 39:14, 39:15</p> <p><b>DIGITAL</b> [1] - 2:15</p> <p><b>direct</b> [5] - 25:14, 55:16, 81:9, 104:22,</p>
	<p style="text-align: center;"><b>D</b></p> <p><b>DALLAS</b> [2] - 1:22, 2:17</p> <p><b>Dallas</b> [1] - 85:1</p> <p><b>Dan</b> [1] - 4:23</p> <p><b>DAN</b> [1] - 2:21</p> <p><b>data</b> [29] - 16:21, 17:23, 18:17, 19:4, 19:16, 19:20, 20:17, 22:14, 25:2, 31:1, 31:10, 31:11, 31:20, 35:23, 39:4, 39:19, 41:8, 43:25, 44:25, 54:3, 59:21, 60:24, 64:3, 68:10, 69:7, 81:14, 83:24, 92:4</p> <p><b>database</b> [4] - 17:6, 17:8, 17:9, 17:10</p> <p><b>databases</b> [1] - 16:22</p> <p><b>DATE</b> [1] - 107:7</p> <p><b>date</b> [4] - 46:20, 105:17, 106:10, 106:13</p> <p><b>dates</b> [1] - 106:14</p> <p><b>Davis</b> [3] - 4:19, 70:23, 76:16</p> <p><b>DAVIS</b> [7] - 2:8, 4:20, 4:23, 66:5, 70:23, 71:1, 77:10</p> <p><b>DC</b> [1] - 2:11</p> <p><b>deal</b> [1] - 58:18</p> <p><b>decides</b> [1] - 91:3</p> <p><b>declarants</b> [2] - 100:1, 100:3</p> <p><b>declaration</b> [3] - 33:20, 33:22, 36:14</p> <p><b>declarations</b> [1] - 99:25</p> <p><b>defendant</b> [1] - 68:23</p> <p><b>Defendant</b> [2] - 5:2, 5:9</p> <p><b>defendants</b> [26] - 6:18, 8:4, 8:5, 18:6, 38:21, 42:3, 42:12, 54:6, 55:2, 56:3, 62:10, 62:12, 66:4, 70:23, 79:25, 82:22, 89:2, 90:18, 97:22, 99:2, 102:10, 102:17, 103:23, 105:4, 105:18</p> <p><b>Defendants</b> [2] - 4:14, 102:12</p> <p><b>defendants'</b> [7] - 42:8, 43:3, 59:23, 60:4, 65:25, 91:7, 93:15</p> <p><b>defense</b> [2] - 7:11, 102:5</p> <p><b>defer</b> [1] - 6:15</p> <p><b>define</b> [9] - 11:13, 16:3, 23:3, 43:18, 46:2, 51:23, 56:15, 65:10, 85:19</p> <p><b>defined</b> [5] - 9:18, 15:2, 31:4, 60:7,</p>	



<p>105:10  <b>direction</b> [3] - 31:10, 31:14, 31:22  <b>directly</b> [7] - 28:15, 63:3, 79:18, 81:10, 99:5, 104:18, 104:24  <b>directory</b> [3] - 50:18, 50:19, 68:1  <b>disagree</b> [5] - 8:12, 12:7, 70:17, 84:17, 88:15  <b>disagreement</b> [2] - 44:20, 46:9  <b>disc</b> [1] - 25:6  <b>disclaimed</b> [1] - 35:5  <b>disclaimer</b> [4] - 35:3, 35:19, 36:23, 37:10  <b>disclose</b> [1] - 76:3  <b>disclosed</b> [1] - 26:20  <b>discloses</b> [1] - 76:1  <b>discoverable</b> [2] - 101:2, 101:4  <b>discovery</b> [5] - 98:10, 98:17, 102:15, 102:16, 105:17  <b>discrete</b> [2] - 87:16, 89:13  <b>discussed</b> [1] - 96:5  <b>discussing</b> [1] - 36:20  <b>discussion</b> [6] - 6:15, 21:23, 42:13, 72:17, 102:13, 104:10  <b>discussions</b> [1] - 103:4  <b>disfavored</b> [1] - 33:13  <b>disposes</b> [1] - 105:22  <b>dispute</b> [27] - 8:7, 8:13, 9:19, 12:19, 16:5, 18:18, 19:15, 43:19, 43:21, 44:15, 46:1, 51:16, 52:4, 54:8, 54:9, 54:10, 54:20, 54:25, 58:24, 62:9, 88:12, 89:6, 90:24, 91:2, 91:4, 91:13  <b>disputed</b> [1] - 79:13  <b>disputes</b> [4] - 9:2, 54:14, 56:3, 88:19  <b>disregarded</b> [1] - 38:6  <b>distinct</b> [1] - 20:16  <b>distinction</b> [6] - 17:11, 21:20, 39:11, 39:16, 54:11, 100:18  <b>distinguish</b> [5] - 22:25, 23:24, 39:13, 69:1, 102:3  <b>distinguished</b> [8] - 23:19, 23:24, 35:21, 35:23, 37:15, 40:9, 40:11, 40:12  <b>distinguishes</b> [1] - 17:9  <b>distinguishing</b> [3] - 40:1, 40:2, 41:14  <b>distinguishment</b> [1] - 33:19  <b>distributing</b> [1] - 76:2  <b>distribution</b> [1] - 10:18  <b>District</b> [1] - 98:4  <b>district</b> [4] - 9:13, 9:15, 9:17, 86:20  <b>DISTRICT</b> [2] - 1:1, 1:1  <b>DIVISION</b> [1] - 1:2  <b>Docket</b> [1] - 103:15  <b>DOCKET</b> [1] - 1:3  <b>docket</b> [2] - 4:4, 106:23  <b>doctrine</b> [1] - 100:25  <b>document</b> [14] - 45:11, 45:13, 48:15, 48:19, 50:12, 50:15, 50:18, 50:19, 53:6, 59:16, 69:15, 90:20, 100:14, 102:4  <b>documents</b> [7] - 53:4, 53:5, 101:1, 101:18, 102:8, 105:11, 105:18</p>	<p><b>domain</b> [2] - 59:10, 59:14  <b>done</b> [8] - 11:23, 13:14, 31:16, 34:24, 69:6, 80:2, 96:10, 96:11  <b>Donny</b> [1] - 5:14  <b>DOWLEN</b> [1] - 2:19  <b>down</b> [10] - 29:20, 29:25, 31:18, 47:19, 83:19, 85:13, 85:21, 91:22, 97:6, 100:21  <b>download</b> [27] - 20:21, 22:13, 22:18, 29:1, 29:9, 29:21, 30:16, 31:22, 32:4, 32:11, 32:15, 32:19, 32:21, 52:3, 68:1, 93:24, 94:6, 94:18, 94:21, 94:24, 95:3, 95:6, 95:14, 95:19, 96:15, 96:17  <b>downloaded</b> [10] - 21:4, 21:20, 30:1, 30:11, 32:15, 32:23, 33:1, 39:6, 39:7, 40:24  <b>DOWNLOADING</b> [1] - 3:6  <b>downloading</b> [71] - 19:10, 19:20, 19:24, 20:9, 22:1, 22:25, 23:1, 23:6, 23:14, 23:20, 24:1, 25:9, 29:12, 29:19, 30:21, 31:2, 31:5, 31:16, 32:13, 33:3, 33:5, 33:15, 33:17, 34:5, 35:4, 35:17, 36:2, 36:21, 37:1, 37:4, 37:6, 37:11, 37:15, 38:10, 38:22, 39:19, 39:23, 40:2, 40:6, 40:8, 40:9, 40:10, 41:15, 41:19, 41:21, 41:22, 52:10, 67:16, 68:12, 90:22, 90:25, 91:2, 91:3, 91:8, 91:17, 92:4, 93:4, 93:5, 93:9, 93:11, 93:16, 93:17, 93:23, 94:4, 96:11, 96:23, 97:9  <b>Downloading</b> [1] - 20:11  <b>Dr</b> [11] - 33:20, 33:21, 33:22, 34:3, 34:6, 35:13, 35:15, 36:14, 36:17, 66:1, 69:20  <b>drafting</b> [1] - 80:20  <b>draw</b> [1] - 39:11  <b>drawn</b> [3] - 18:14, 35:2, 100:18  <b>draws</b> [1] - 17:11  <b>drill</b> [1] - 47:19  <b>Dru</b> [1] - 5:13  <b>DRU</b> [1] - 2:18  <b>due</b> [1] - 36:15  <b>DUNN</b> [1] - 2:4  <b>during</b> [5] - 23:16, 23:19, 35:5, 38:8, 106:14  <b>dynamically</b> [1] - 10:19</p>	<p><b>element</b> [1] - 73:25  <b>elements</b> [2] - 73:22, 74:20  <b>elicit</b> [2] - 35:2, 35:17  <b>eliminate</b> [2] - 23:11, 25:11  <b>elsewhere</b> [3] - 58:9, 69:3, 81:5  <b>embodiment</b> [9] - 11:4, 11:7, 14:5, 16:19, 52:21, 53:20, 53:21, 62:19, 74:19  <b>embodiments</b> [2] - 58:25, 74:19  <b>EMPLOYING</b> [1] - 3:10  <b>employing</b> [7] - 78:14, 79:14, 82:4, 84:22, 90:8, 91:22, 95:25  <b>emulated</b> [1] - 80:21  <b>enable</b> [1] - 25:25  <b>encompass</b> [1] - 30:21  <b>encompassed</b> [2] - 74:20, 74:25  <b>end</b> [10] - 22:16, 48:14, 50:15, 65:4, 78:1, 80:15, 81:22, 84:3, 85:13, 98:10  <b>enlighten</b> [1] - 13:8  <b>Entertainment</b> [1] - 4:4  <b>ENTERTAINMENT</b> [1] - 1:6  <b>entire</b> [4] - 26:8, 57:4, 57:7, 75:22  <b>entirely</b> [2] - 58:15, 59:17  <b>entities</b> [1] - 103:24  <b>episode</b> [6] - 8:12, 10:4, 11:2, 57:10, 58:20, 83:23  <b>Episodes</b> [1] - 10:1  <b>EPISODES</b> [1] - 3:5  <b>episodes</b> [23] - 7:13, 8:9, 8:21, 8:23, 9:3, 9:25, 11:16, 12:20, 14:6, 14:10, 17:24, 18:17, 20:8, 66:22, 66:23, 72:24, 76:4, 76:5, 76:9, 76:10, 77:15, 77:21  <b>equally</b> [2] - 15:1  <b>equipped</b> [1] - 21:2  <b>equivalent</b> [1] - 29:1  <b>ERNST</b> [1] - 2:9  <b>erroneous</b> [1] - 100:18  <b>ESE</b> [1] - 2:13  <b>especially</b> [1] - 67:22  <b>essentially</b> [5] - 19:12, 58:14, 62:7, 63:1, 63:2  <b>estoppel</b> [2] - 102:18, 105:13  <b>et</b> [3] - 26:1, 58:7, 66:1  <b>ET</b> [1] - 1:7  <b>event</b> [3] - 29:3, 87:3, 105:12  <b>eventually</b> [1] - 86:11  <b>everyday</b> [1] - 9:12  <b>evidence</b> [7] - 27:7, 27:10, 37:8, 37:10, 46:10, 70:7, 99:12  <b>exact</b> [2] - 37:24, 79:9  <b>exactly</b> [10] - 13:4, 13:5, 26:10, 26:16, 28:19, 38:11, 50:21, 63:14, 63:24, 91:12  <b>examiner</b> [7] - 23:22, 37:21, 68:9, 75:24, 76:1, 76:6, 76:8  <b>example</b> [32] - 15:9, 21:1, 21:5, 25:3, 30:7, 32:19, 46:19, 47:8, 47:10, 47:15, 48:18, 51:11, 51:14, 52:21, 55:12, 55:14, 56:22, 56:24, 58:20, 59:6, 59:19,</p>
<b>E</b>		
	<p><b>easily</b> [3] - 25:25, 100:2, 101:14  <b>EAST</b> [1] - 2:2  <b>EASTERN</b> [1] - 1:1  <b>easy</b> [1] - 87:11  <b>ed.texas.uscourts.com</b> [1] - 47:16  <b>editing</b> [1] - 29:21  <b>EFF</b> [8] - 98:16, 101:9, 101:10, 102:18, 103:4, 103:23, 104:10, 104:24  <b>effect</b> [3] - 36:8, 99:19, 105:13  <b>either</b> [3] - 7:13, 91:17, 98:22  <b>electronic</b> [1] - 10:17</p>	

<p>60:11, 61:7, 62:25, 63:15, 69:6, 74:21, 80:20, 93:14, 96:9, 98:13</p> <p><b>examples</b> [9] - 25:4, 29:6, 30:6, 55:20, 58:3, 58:4, 58:9, 58:16, 61:6</p> <p><b>except</b> [1] - 99:23</p> <p><b>excerpt</b> [2] - 35:12, 48:11</p> <p><b>exchange</b> [3] - 101:16, 101:18</p> <p><b>exclusive</b> [2] - 46:8, 46:22</p> <p><b>excuse</b> [2] - 92:9, 97:1</p> <p><b>Excuse</b> [1] - 57:6</p> <p><b>Exhibit</b> [2] - 22:11, 22:12</p> <p><b>exist</b> [1] - 60:13</p> <p><b>expand</b> [1] - 43:10</p> <p><b>expanding</b> [1] - 36:6</p> <p><b>expect</b> [2] - 69:16, 101:16</p> <p><b>expert</b> [6] - 33:16, 36:16, 36:17, 40:22, 42:8, 48:10</p> <p><b>experts</b> [1] - 101:18</p> <p><b>explain</b> [4] - 35:11, 43:10, 46:24, 54:22</p> <p><b>explained</b> [3] - 22:1, 33:22, 33:23</p> <p><b>explaining</b> [1] - 75:25</p> <p><b>explanation</b> [2] - 36:9, 36:25</p> <p><b>explicit</b> [2] - 23:4, 44:18</p> <p><b>explicitly</b> [1] - 39:18</p> <p><b>expressed</b> [2] - 36:7, 36:8</p> <p><b>expressing</b> [1] - 76:6</p> <p><b>extent</b> [2] - 76:6, 100:10</p> <p><b>extreme</b> [2] - 56:22, 62:25</p> <p><b>extrinsic</b> [2] - 27:7, 46:10</p>	<p><b>FEDERAL</b> [1] - 2:22</p> <p><b>Federal</b> [12] - 9:9, 12:6, 12:10, 13:24, 15:1, 15:16, 33:13, 67:10, 68:20, 86:5, 86:19, 87:20</p> <p><b>few</b> [4] - 23:18, 31:18, 84:25, 93:6</p> <p><b>field</b> [3] - 51:8, 52:21, 55:5</p> <p><b>Field</b> [1] - 10:16</p> <p><b>FIGG</b> [1] - 2:9</p> <p><b>Figure</b> [12] - 16:15, 16:18, 28:18, 28:19, 29:18, 29:19, 51:12, 55:7, 58:2, 58:6, 58:7</p> <p><b>figures</b> [1] - 97:11</p> <p><b>file</b> [142] - 7:13, 8:5, 8:8, 8:22, 9:4, 14:6, 19:20, 20:3, 27:15, 36:18, 44:9, 44:19, 44:22, 44:23, 44:24, 44:25, 45:1, 45:2, 45:14, 45:25, 46:3, 46:12, 46:15, 46:16, 46:18, 46:20, 46:21, 47:3, 47:17, 47:23, 48:1, 48:2, 48:8, 48:9, 48:16, 48:17, 48:21, 48:22, 49:3, 49:5, 49:7, 49:11, 49:12, 49:16, 49:18, 49:21, 49:25, 50:6, 50:11, 50:14, 50:15, 50:24, 51:3, 51:9, 51:10, 51:16, 51:17, 51:24, 52:3, 52:9, 52:11, 52:23, 53:2, 53:6, 53:13, 55:6, 56:7, 56:9, 57:24, 57:25, 59:20, 59:25, 60:23, 61:5, 63:18, 63:23, 64:5, 65:21, 66:16, 66:24, 67:2, 67:3, 67:6, 67:17, 68:5, 68:13, 68:15, 69:18, 70:8, 70:18, 71:4, 71:5, 71:10, 72:25, 73:3, 73:5, 73:8, 73:10, 73:11, 73:22, 73:24, 74:1, 74:2, 74:9, 74:17, 74:24, 75:6, 75:14, 75:16, 76:4, 76:23, 77:1, 77:2, 77:4, 77:8, 77:12, 77:14, 77:16, 83:21, 83:22, 91:16, 92:4, 92:20, 93:1, 93:11, 94:2, 94:6, 94:7, 95:4, 96:23, 96:25</p> <p><b>FILE</b> [2] - 3:4, 3:9</p> <p><b>filed</b> [9] - 20:10, 20:16, 36:3, 98:3, 98:13, 98:14, 102:15, 103:9, 103:15</p> <p><b>filename</b> [1] - 48:14</p> <p><b>files</b> [41] - 16:3, 16:4, 16:9, 16:22, 17:24, 18:18, 19:24, 30:11, 31:20, 43:25, 44:1, 44:2, 46:1, 46:11, 47:12, 49:1, 57:17, 57:22, 58:19, 58:21, 60:1, 62:6, 67:16, 69:7, 72:21, 72:23, 76:5, 76:9, 77:18, 81:14, 81:20, 83:25, 93:17, 93:18, 95:12, 95:15</p> <p><b>filing</b> [1] - 98:20</p> <p><b>final</b> [3] - 68:7, 98:7, 98:11</p> <p><b>Finally</b> [1] - 75:17</p> <p><b>fine</b> [2] - 23:11, 25:17</p> <p><b>finished</b> [1] - 21:8</p> <p><b>finite</b> [1] - 98:17</p> <p><b>FIRM</b> [2] - 1:15, 2:18</p> <p><b>first</b> [29] - 6:12, 6:22, 11:19, 19:19, 20:2, 26:6, 26:7, 30:23, 39:12, 43:12, 45:22, 54:19, 56:2, 57:8, 58:16, 65:9, 68:21, 71:16, 75:22, 83:3, 84:9, 86:15, 87:6, 87:10, 88:13, 96:5, 97:23, 98:9, 102:8</p> <p><b>First</b> [4] - 14:17, 54:7, 90:24, 93:7</p>	<p><b>flag</b> [1] - 106:5</p> <p><b>FLOOR</b> [2] - 1:19, 2:5</p> <p><b>focus</b> [3] - 5:22, 6:4, 68:21</p> <p><b>focused</b> [2] - 72:17, 104:9</p> <p><b>folder</b> [2] - 59:15, 60:1</p> <p><b>following</b> [2] - 61:16, 62:15</p> <p><b>follows</b> [2] - 24:17, 31:7</p> <p><b>FOR</b> [5] - 1:15, 2:1, 2:7, 2:15, 2:18</p> <p><b>FOREGOING</b> [1] - 107:8</p> <p><b>form</b> [2] - 10:24, 12:15</p> <p><b>forth</b> [5] - 6:25, 7:2, 7:11, 42:7, 62:20</p> <p><b>forward</b> [2] - 38:6, 73:16</p> <p><b>FOX</b> [6] - 2:7, 4:15, 4:16, 98:13, 98:18, 102:13</p> <p><b>FOX's</b> [1] - 106:15</p> <p><b>frankly</b> [3] - 14:8, 98:4, 101:5</p> <p><b>Friday</b> [2] - 103:10</p> <p><b>FROM</b> [2] - 3:12, 107:8</p> <p><b>front</b> [2] - 8:15, 8:19</p> <p><b>FTP</b> [8] - 51:12, 51:14, 55:14, 56:6, 56:9, 58:5, 58:7, 58:8</p> <p><b>full</b> [1] - 29:1</p> <p><b>function</b> [4] - 90:9, 90:10, 90:12</p> <p><b>functionalities</b> [3] - 84:7, 84:8, 85:18</p> <p><b>functions</b> [18] - 66:21, 78:6, 78:9, 78:12, 78:16, 78:18, 79:5, 79:13, 80:6, 80:17, 80:25, 81:22, 81:24, 82:10, 82:18, 84:16, 90:8, 94:14</p> <p><b>furtherance</b> [1] - 100:15</p>
<p><b>F</b></p>		<p><b>G</b></p>
<p><b>fabricated</b> [1] - 59:17</p> <p><b>face</b> [1] - 41:13</p> <p><b>facilitate</b> [1] - 30:10</p> <p><b>facilities</b> [3] - 59:1, 59:9</p> <p><b>facility</b> [36] - 51:10, 53:23, 54:1, 55:7, 55:10, 55:11, 55:13, 55:14, 55:19, 55:20, 56:6, 56:17, 56:18, 56:21, 57:3, 57:24, 58:1, 58:10, 59:5, 60:2, 60:9, 60:10, 61:19, 61:22, 61:25, 62:17, 64:1, 64:3, 64:5, 64:10, 64:11, 64:19, 64:23, 65:10, 65:15, 70:4</p> <p><b>fact</b> [14] - 14:6, 17:16, 18:17, 40:3, 53:4, 60:19, 74:18, 75:4, 78:10, 80:1, 93:2, 94:14, 98:9, 105:1</p> <p><b>facts</b> [2] - 99:24, 100:2</p> <p><b>factual</b> [1] - 100:21</p> <p><b>failure</b> [1] - 29:4</p> <p><b>fair</b> [1] - 34:23</p> <p><b>fairly</b> [1] - 58:12</p> <p><b>fall</b> [1] - 103:25</p> <p><b>familiar</b> [3] - 32:18, 38:7, 42:22</p> <p><b>family</b> [1] - 26:9</p> <p><b>far</b> [2] - 71:24, 104:21</p> <p><b>fear</b> [1] - 45:3</p> <p><b>features</b> [1] - 13:23</p> <p><b>February</b> [1] - 104:6</p> <p><b>Fed</b> [1] - 87:14</p>		<p><b>Gabbe</b> [2] - 23:22, 40:15</p> <p><b>Gabbe's</b> [1] - 40:18</p> <p><b>Game</b> [1] - 86:6</p> <p><b>gaming</b> [11] - 87:3, 87:4, 87:9, 87:12, 87:13, 87:16, 87:18, 89:10, 89:13, 89:17, 90:2</p> <p><b>Gaming</b> [2] - 86:6, 87:1</p> <p><b>Ganz</b> [1] - 5:14</p> <p><b>general</b> [6] - 4:9, 6:8, 7:16, 28:8, 49:18, 103:6</p> <p><b>generally</b> [6] - 11:9, 28:10, 54:21, 61:4, 63:22, 64:10</p> <p><b>generate</b> [1] - 86:16</p> <p><b>generator</b> [1] - 86:9</p> <p><b>generic</b> [3] - 44:24, 62:24, 70:13</p> <p><b>geographic</b> [1] - 9:18</p> <p><b>GIBSON</b> [1] - 2:4</p> <p><b>given</b> [5] - 30:6, 35:7, 65:14, 92:3, 101:3</p> <p><b>glosses</b> [1] - 38:25</p> <p><b>GRAND</b> [1] - 2:5</p> <p><b>grant</b> [2] - 28:2, 105:1</p> <p><b>greatest</b> [1] - 64:24</p> <p><b>GROUP</b> [1] - 1:18</p> <p><b>Group</b> [1] - 4:16</p> <p><b>guess</b> [12] - 18:11, 39:10, 62:14, 65:6, 65:15, 69:1, 80:18, 81:3, 86:11, 96:14, 96:15</p>

98:2, 102:2	50:18	<b>INDEX</b> [1] - 3:1
<b>H</b>	<b>hosted</b> [1] - 50:21	<b>indicate</b> [2] - 19:2, 61:13
<b>hand</b> [1] - 20:20	<b>hosting</b> [1] - 60:1	<b>indicated</b> [4] - 11:9, 51:10, 55:7, 58:1
<b>handed</b> [1] - 66:12	<b>hosts</b> [1] - 59:9	<b>indicates</b> [4] - 53:1, 53:12, 77:14,
<b>happy</b> [4] - 6:15, 7:6, 38:12, 76:13	<b>hotel</b> [1] - 32:10	94:20
<b>hard</b> [1] - 74:8	<b>house</b> [1] - 20:19	<b>indicating</b> [1] - 58:8
<b>head</b> [1] - 82:24	<b>housekeeping</b> [1] - 106:4	<b>indication</b> [4] - 51:2, 54:16, 91:14,
<b>hear</b> [5] - 28:8, 29:12, 38:15, 50:4,	<b>HOWSTUFFWORKS</b> [1] - 2:1	94:5
102:8	<b>Howstuffworks.com</b> [1] - 5:3	<b>indicator</b> [1] - 46:23
<b>heard</b> [7] - 18:7, 42:25, 52:15, 52:18,	<b>html</b> [2] - 48:17, 59:25	<b>indicia</b> [1] - 50:24
54:10, 91:17, 91:22	<b>http://ziff.com</b> [1] - 50:16	<b>indulgence</b> [1] - 23:18
<b>HEARING</b> [1] - 1:10	<b>huge</b> [1] - 58:18	<b>infer</b> [1] - 67:1
<b>hearing</b> [3] - 4:3, 11:18, 34:13	<b>I</b>	<b>informally</b> [1] - 91:18
<b>hearings</b> [1] - 28:10	<b>IBM</b> [1] - 46:15	<b>information</b> [20] - 10:17, 24:14, 24:25,
<b>hearsay</b> [1] - 27:8	<b>idea</b> [4] - 26:12, 54:24, 55:18, 74:9	25:4, 31:2, 31:17, 31:23, 32:15, 39:6,
<b>HEARTFIELD</b> [1] - 2:18	<b>identical</b> [1] - 28:6	40:25, 47:2, 67:23, 68:14, 72:6, 72:22,
<b>heavy</b> [1] - 69:12	<b>identifiable</b> [2] - 57:18, 58:9	74:23, 95:3, 101:1, 101:10
<b>held</b> [3] - 67:10, 89:9, 90:1	<b>identified</b> [9] - 57:11, 59:22, 61:1,	<b>informed</b> [1] - 103:13
<b>help</b> [6] - 6:5, 42:19, 43:8, 43:17,	63:12, 63:19, 63:21, 64:4, 92:4, 105:11	<b>infringe</b> [1] - 90:4
43:18, 62:15	<b>identifies</b> [1] - 25:2	<b>infringement</b> [1] - 45:18
<b>helps</b> [2] - 33:4, 65:13	<b>identify</b> [5] - 44:21, 50:12, 52:1, 52:3,	<b>initial</b> [2] - 5:25, 98:4
<b>Hence</b> [1] - 87:23	63:21	<b>inject</b> [1] - 44:22
<b>HEREBY</b> [1] - 107:7	<b>IGT</b> [4] - 86:25, 88:1, 88:24, 89:5	<b>insofar</b> [1] - 8:11
<b>high</b> [2] - 31:1, 32:20	<b>IGT/Bally</b> [2] - 89:21, 90:4	<b>instance</b> [5] - 47:20, 48:1, 56:18,
<b>highest</b> [1] - 27:8	<b>IGTv/Bally</b> [1] - 79:23	60:10, 104:4
<b>highlighted</b> [1] - 83:5	<b>illustrate</b> [1] - 20:20	<b>instances</b> [2] - 37:13, 44:4
<b>history</b> [15] - 23:16, 23:17, 33:18,	<b>illustrated</b> [1] - 11:10	<b>Instead</b> [2] - 19:1, 102:21
33:24, 35:6, 35:20, 36:18, 36:22, 36:25,	<b>illustrative</b> [3] - 11:6, 14:5, 16:19	<b>instead</b> [4] - 57:22, 57:23, 64:13,
37:4, 37:14, 39:21, 39:25, 40:22, 41:11	<b>image</b> [1] - 18:13	103:2
<b>hit</b> [1] - 82:24	<b>images</b> [2] - 16:10, 17:19	<b>instituted</b> [1] - 103:12
<b>hold</b> [2] - 27:21, 38:9	<b>immediate</b> [1] - 93:24	<b>instructions</b> [1] - 28:1
<b>holidays</b> [1] - 106:16	<b>immediately</b> [2] - 29:15, 31:7	<b>insurance</b> [1] - 101:19
<b>hollow</b> [1] - 13:23	<b>imply</b> [1] - 19:22	<b>intended</b> [4] - 11:13, 22:24, 28:9,
<b>honestly</b> [1] - 82:17	<b>import</b> [3] - 14:12, 90:22, 90:25	45:14
<b>Honor</b> [105] - 4:7, 4:11, 4:13, 4:18,	<b>important</b> [7] - 25:1, 28:14, 30:5,	<b>intention</b> [2] - 49:23, 51:20
4:20, 4:24, 5:2, 5:5, 5:8, 5:12, 5:15,	50:22, 54:9, 56:17, 58:12	<b>interactively</b> [1] - 10:19
6:13, 6:18, 7:1, 7:7, 7:22, 8:3, 8:7,	<b>Importantly</b> [1] - 12:3	<b>interchangeable</b> [1] - 61:23
12:25, 13:3, 13:15, 14:18, 16:20, 18:8,	<b>importantly</b> [1] - 71:25	<b>interest</b> [5] - 98:15, 98:20, 102:17,
18:12, 19:10, 20:6, 23:3, 23:10, 24:10,	<b>importing</b> [1] - 91:7	102:25, 105:5
24:22, 26:4, 26:18, 26:22, 27:23, 28:13,	<b>impression</b> [1] - 98:5	<b>interface</b> [45] - 78:4, 78:8, 78:22,
31:25, 33:18, 34:7, 35:15, 36:11, 36:20,	<b>impressions</b> [6] - 99:18, 99:23,	78:23, 79:6, 79:9, 79:16, 79:17, 79:20,
38:3, 38:7, 38:12, 38:16, 41:6, 41:10,	100:11, 100:12, 100:20, 101:3	80:1, 80:3, 80:5, 80:24, 81:10, 81:16,
41:25, 42:11, 46:1, 50:2, 50:7, 51:19,	<b>improve</b> [3] - 46:5, 50:23, 52:7	81:19, 81:21, 82:9, 82:11, 82:14, 82:19,
52:13, 52:16, 53:17, 54:5, 61:21, 62:4,	<b>IN</b> [1] - 2:20	82:20, 83:7, 84:3, 84:11, 84:14, 84:23,
64:11, 65:22, 66:5, 66:13, 70:24, 71:1,	<b>Inc</b> [1] - 5:9	84:25, 85:25, 88:16, 89:21, 89:24,
71:11, 71:16, 72:3, 72:15, 72:17, 73:6,	<b>include</b> [11] - 22:19, 23:2, 23:6, 44:13,	90:11, 90:13, 92:5, 94:4, 94:12, 94:21,
74:6, 74:11, 75:8, 76:13, 76:17, 77:10,	46:17, 55:14, 55:15, 69:7, 75:14, 96:15,	95:7, 95:14, 95:19, 96:16, 96:18, 96:20,
77:24, 79:22, 81:12, 82:23, 82:24, 86:2,	99:17	96:22
88:11, 89:3, 90:17, 92:10, 92:19, 93:7,	<b>included</b> [5] - 22:21, 71:21, 74:12,	<b>INTERFACES</b> [1] - 3:11
95:21, 96:19, 96:25, 97:17, 101:8,	75:12, 83:23	<b>interfaces</b> [24] - 78:5, 78:11, 78:17,
102:1, 102:9, 102:14, 104:2, 104:17,	<b>includes</b> [1] - 31:1	78:21, 79:5, 79:12, 79:18, 80:14, 81:23,
105:21, 106:2, 106:6, 107:1	<b>including</b> [3] - 23:21, 31:20, 52:24	82:3, 82:5, 83:10, 83:13, 83:15, 83:19,
<b>Honor's</b> [7] - 27:25, 50:8, 51:1, 83:3,	<b>inclusion</b> [2] - 29:13, 74:21	84:15, 85:11, 90:9, 91:21, 91:23, 92:1,
84:10, 84:21, 88:13	<b>incorporating</b> [1] - 49:10	92:22, 93:8, 96:1
<b>HONORABLE</b> [1] - 1:11	<b>incorrect</b> [2] - 8:10, 33:14	<b>International</b> [1] - 86:6
<b>hope</b> [1] - 6:5	<b>independent</b> [5] - 7:24, 15:10, 24:6,	<b>Internet</b> [24] - 11:8, 21:2, 21:11, 32:8,
<b>host</b> [5] - 11:8, 29:4, 30:11, 31:19,	24:11, 91:1	32:10, 32:13, 42:23, 51:14, 52:10,

<p><b>interpret</b> [2] - 56:20, 80:22</p> <p><b>interpretation</b> [4] - 54:21, 55:21, 58:4, 82:9</p> <p><b>interrelated</b> [1] - 57:14</p> <p><b>interrogatories</b> [1] - 105:3</p> <p><b>interrogatory</b> [7] - 99:9, 102:20, 104:1, 104:5, 104:20, 105:12</p> <p><b>interrupt</b> [1] - 97:24</p> <p><b>interview</b> [4] - 26:6, 26:12, 26:14, 27:9</p> <p><b>intricacies</b> [1] - 42:23</p> <p><b>introduce</b> [2] - 27:10, 35:15</p> <p><b>introduced</b> [2] - 38:19, 70:6</p> <p><b>introducing</b> [1] - 70:5</p> <p><b>invalidity</b> [3] - 45:18, 97:23, 99:7</p> <p><b>invention</b> [39] - 10:5, 10:11, 10:24, 12:2, 12:11, 12:15, 13:11, 13:21, 13:22, 14:2, 14:15, 14:20, 15:2, 15:13, 15:21, 16:3, 16:14, 17:22, 25:20, 26:11, 26:17, 28:4, 28:6, 28:10, 28:25, 29:8, 29:17, 30:5, 30:14, 30:20, 37:15, 41:15, 61:12, 63:7, 68:8, 69:8, 97:10</p> <p><b>Invention</b> [8] - 10:16, 10:24, 14:4, 14:11, 14:14, 15:13, 16:2, 17:16</p> <p><b>inventor</b> [5] - 10:10, 26:6, 26:7, 28:9, 28:13</p> <p><b>inventors</b> [1] - 12:1</p> <p><b>involve</b> [2] - 24:1</p> <p><b>involved</b> [7] - 23:25, 26:8, 37:16, 75:5, 98:19, 100:1, 103:2</p> <p><b>involves</b> [1] - 41:15</p> <p><b>involving</b> [1] - 6:9</p> <p><b>iPod</b> [4] - 20:21, 20:22, 20:23, 21:3</p> <p><b>IPR</b> [13] - 98:11, 98:14, 98:16, 98:19, 98:23, 99:1, 99:2, 99:7, 99:25, 103:12, 105:1, 105:5, 105:12</p> <p><b>irrelevant</b> [1] - 53:9</p> <p><b>IS</b> [1] - 107:8</p> <p><b>issue</b> [35] - 9:2, 10:3, 10:5, 10:12, 10:22, 13:4, 13:5, 13:12, 13:16, 15:24, 36:16, 47:1, 48:24, 49:24, 50:10, 55:20, 63:12, 84:7, 86:4, 86:7, 86:17, 86:23, 87:5, 87:7, 87:17, 90:25, 94:1, 98:12, 98:21, 98:24, 99:19, 103:7, 105:14, 105:23, 106:6</p> <p><b>issued</b> [5] - 87:8, 87:16, 87:25, 89:10, 89:13</p> <p><b>issues</b> [7] - 5:23, 27:16, 83:23, 86:8, 88:20, 97:14, 104:9</p> <p><b>issuing</b> [3] - 87:1, 89:14, 89:16</p> <p><b>it'd</b> [1] - 70:9</p> <p><b>items</b> [1] - 48:25</p> <p><b>itself</b> [1] - 41:21, 44:11, 45:5, 45:7, 51:25, 56:18, 60:10, 63:8, 73:21, 79:8, 79:11</p> <p><b>iTunes</b> [1] - 32:19</p>	<p>90:6</p> <p><b>jackets</b> [5] - 85:12, 85:14, 85:23, 85:24, 90:5</p> <p><b>jackpot</b> [2] - 86:10, 86:12</p> <p><b>JACKSON</b> [3] - 2:15, 2:22, 107:12</p> <p><b>Jason</b> [4] - 5:4, 8:3, 42:11, 82:22</p> <p><b>JASON</b> [1] - 2:4</p> <p><b>JENNIFER</b> [1] - 2:12</p> <p><b>Jennifer</b> [2] - 4:14, 102:9</p> <p><b>JEREMY</b> [1] - 1:18</p> <p><b>Jeremy</b> [1] - 4:10</p> <p><b>John</b> [1] - 4:7</p> <p><b>JOHN</b> [1] - 1:15</p> <p><b>joint</b> [8] - 67:19, 71:7, 71:8, 71:13, 71:20, 71:22, 72:10, 101:9</p> <p><b>Jonas</b> [3] - 21:19, 21:22, 36:19</p> <p><b>journals</b> [1] - 80:20</p> <p><b>Judge</b> [1] - 98:3</p> <p><b>JUDGE</b> [1] - 1:11</p> <p><b>JUDSON</b> [1] - 1:16</p> <p><b>jump</b> [2] - 6:19, 93:12</p> <p><b>jury</b> [7] - 46:24, 47:5, 54:15, 56:16, 62:15, 106:10</p> <p><b>justified</b> [1] - 95:20</p>	<p><b>last</b> [9] - 26:23, 77:25, 83:15, 90:18, 92:24, 93:4, 95:22, 97:7, 106:19</p> <p><b>late</b> [2] - 27:4, 103:10</p> <p><b>LAW</b> [3] - 1:15, 1:18, 2:18</p> <p><b>lawyers</b> [1] - 101:17</p> <p><b>layperson</b> [1] - 42:17</p> <p><b>laypersons</b> [1] - 42:22</p> <p><b>lead</b> [3] - 4:16, 5:4, 106:15</p> <p><b>learned</b> [3] - 26:2, 103:10, 103:14</p> <p><b>least</b> [10] - 8:12, 20:18, 20:22, 26:9, 43:5, 46:17, 51:17, 81:18, 85:5, 95:13</p> <p><b>leave</b> [6] - 44:24, 53:18, 85:16, 85:24, 88:4, 88:5</p> <p><b>leaves</b> [2] - 85:2, 88:15</p> <p><b>left</b> [2] - 22:3, 74:17</p> <p><b>legal</b> [5] - 100:11, 100:19, 100:20, 102:25</p> <p><b>legislator</b> [3] - 9:13, 9:14, 9:17</p> <p><b>lengthy</b> [1] - 73:23</p> <p><b>less</b> [2] - 28:13, 69:21</p> <p><b>level</b> [6] - 47:21, 60:8, 62:23, 63:5, 63:22, 64:24</p> <p><b>LEVINSON</b> [1] - 1:24</p> <p><b>library</b> [2] - 10:20, 31:20</p> <p><b>license</b> [1] - 58:14</p> <p><b>Liddle</b> [1] - 4:8</p> <p><b>LIDDLE</b> [1] - 2:20</p> <p><b>lie</b> [1] - 78:9</p> <p><b>Lieberman</b> [8] - 4:17, 20:7, 27:12, 34:8, 35:1, 38:17, 38:25, 39:9</p> <p><b>LIEBERMAN</b> [15] - 4:18, 6:18, 18:8, 20:6, 23:9, 25:18, 26:21, 27:23, 28:12, 28:18, 36:11, 36:13, 38:16, 41:6, 41:25</p> <p><b>LIEBERMANN</b> [1] - 2:8</p> <p><b>light</b> [2] - 81:5, 105:1</p> <p><b>likewise</b> [1] - 18:13</p> <p><b>limit</b> [5] - 13:10, 15:4, 36:7, 87:15, 89:12</p> <p><b>limitation</b> [20] - 11:15, 12:23, 13:4, 14:25, 40:23, 58:15, 73:12, 74:15, 75:7, 75:20, 78:20, 79:24, 89:14, 93:3, 93:5, 93:7, 94:13, 95:22, 96:8, 97:7</p> <p><b>limitations</b> [7] - 9:10, 13:25, 14:23, 44:25, 54:13, 68:22, 86:13</p> <p><b>limited</b> [8] - 12:8, 14:1, 14:10, 15:14, 15:21, 18:1, 25:7, 48:25</p> <p><b>limiting</b> [1] - 87:21</p> <p><b>limits</b> [1] - 12:12</p> <p><b>line</b> [11] - 11:5, 30:9, 31:9, 32:5, 32:7, 34:11, 51:5, 61:11, 83:12, 83:17, 85:9</p> <p><b>lines</b> [5] - 17:5, 30:24, 31:18, 93:19</p> <p><b>link</b> [2] - 29:4, 60:17</p> <p><b>list</b> [5] - 12:3, 67:22, 72:6, 77:15, 77:20</p> <p><b>listed</b> [4] - 12:9, 44:3, 78:12, 81:25</p> <p><b>listen</b> [3] - 21:3, 29:23, 29:24</p> <p><b>listing</b> [1] - 66:21</p> <p><b>literally</b> [1] - 28:6</p> <p><b>litigation</b> [4] - 98:20, 100:15, 101:18, 103:23</p>
<p><b>J</b></p>	<p><b>K</b></p>	
<p><b>jacket</b> [5] - 85:2, 85:3, 85:5, 85:22,</p>	<p><b>kind</b> [14] - 10:21, 12:5, 42:20, 43:17, 45:23, 46:11, 46:16, 47:13, 49:20, 50:24, 65:8, 73:18, 74:16</p> <p><b>kinds</b> [1] - 102:7</p> <p><b>knowing</b> [1] - 27:18</p> <p><b>known</b> [10] - 20:12, 20:15, 20:18, 20:19, 21:6, 21:21, 29:12, 48:9, 48:13, 70:9</p> <p><b>knows</b> [2] - 23:4, 69:25</p>	<p><b>L</b></p>
	<p><b>LANE</b> [1] - 1:21</p> <p><b>language</b> [90] - 12:4, 12:12, 12:15, 12:18, 13:7, 13:15, 13:19, 14:12, 14:15, 14:21, 14:22, 14:25, 15:23, 22:20, 22:22, 23:5, 23:15, 24:5, 24:15, 25:12, 25:15, 30:24, 30:25, 31:6, 38:5, 41:18, 43:20, 44:10, 45:4, 45:15, 45:19, 45:24, 48:8, 48:18, 52:7, 53:21, 55:21, 56:8, 56:14, 57:16, 57:19, 61:13, 63:8, 63:16, 63:20, 64:22, 68:21, 68:25, 69:3, 72:16, 72:18, 73:1, 73:7, 74:4, 74:9, 76:22, 78:3, 78:14, 78:18, 79:8, 79:11, 79:14, 80:4, 81:7, 81:22, 84:24, 85:7, 85:8, 86:3, 87:1, 87:7, 87:14, 90:7, 90:19, 90:23, 91:1, 91:9, 91:19, 92:6, 92:7, 92:9, 92:10, 92:12, 92:16, 92:22, 94:3, 95:23, 95:24, 96:25, 97:10</p> <p><b>Larry</b> [1] - 5:3</p> <p><b>LARRY</b> [1] - 2:1</p>	

<p><b>live</b> [1] - 21:7  <b>LLC</b> [1] - 1:3  <b>LLP</b> [1] - 2:4  <b>Lo</b> [8] - 5:4, 8:3, 20:8, 42:11, 44:10, 50:4, 52:14, 82:22  <b>LO</b> [22] - 2:4, 8:3, 9:1, 11:21, 12:25, 13:2, 18:5, 42:11, 44:15, 45:6, 45:22, 47:7, 48:5, 50:7, 52:2, 52:13, 55:25, 82:22, 84:17, 84:19, 84:21, 88:10  <b>load</b> [1] - 25:21  <b>lobby</b> [1] - 32:10  <b>local</b> [8] - 19:17, 25:24, 40:6, 41:2, 48:20, 68:10  <b>locally</b> [2] - 32:11, 93:25  <b>locate</b> [15] - 42:19, 43:7, 43:8, 43:14, 43:17, 43:22, 45:24, 46:6, 46:18, 46:22, 47:2, 50:14, 51:23, 52:9, 54:3  <b>located</b> [7] - 43:25, 50:20, 50:25, 51:12, 97:3, 97:4, 97:8  <b>LOCATION</b> [1] - 3:8  <b>location</b> [61] - 42:4, 47:15, 50:12, 51:9, 51:13, 51:15, 51:17, 51:18, 52:22, 52:25, 53:3, 53:16, 54:12, 54:17, 54:25, 55:5, 55:16, 56:4, 56:5, 56:10, 56:13, 56:16, 56:19, 57:5, 57:6, 57:9, 57:11, 57:15, 57:23, 57:25, 58:14, 58:17, 59:3, 59:7, 59:21, 60:2, 60:7, 61:3, 61:19, 61:20, 61:22, 61:24, 61:25, 62:5, 62:7, 62:16, 62:17, 62:23, 63:1, 63:2, 63:9, 63:10, 63:11, 64:8, 64:24, 65:12, 67:8, 69:14, 69:22, 69:25, 95:11  <b>locations</b> [7] - 25:1, 57:7, 57:8, 57:12, 57:13, 58:5, 58:24  <b>locator</b> [6] - 42:15, 42:18, 43:2, 43:16, 52:5, 52:8  <b>Logan</b> [4] - 26:6, 26:7, 26:15, 28:4  <b>logical</b> [2] - 80:18, 81:7  <b>LONGVIEW</b> [1] - 1:17  <b>look</b> [26] - 9:23, 10:8, 23:13, 24:10, 28:4, 28:18, 29:18, 30:9, 31:6, 34:10, 38:24, 40:21, 46:7, 67:12, 67:14, 67:19, 70:2, 71:12, 71:25, 72:15, 72:16, 75:24, 76:20, 89:4, 95:23  <b>looked</b> [4] - 13:21, 35:7, 47:10, 70:10  <b>Looking</b> [1] - 18:12  <b>looking</b> [13] - 12:19, 12:20, 22:8, 54:14, 55:2, 58:2, 60:17, 67:9, 69:1, 78:2, 79:10, 80:21, 106:13  <b>LOOP</b> [1] - 2:13  <b>LOS</b> [1] - 2:6  <b>Lotzi</b> [1] - 5:9  <b>LOTZI</b> [1] - 2:15</p>	<p><b>main</b> [2] - 19:5, 72:14  <b>maintained</b> [1] - 105:19  <b>maintaining</b> [1] - 31:19  <b>major</b> [2] - 26:9, 26:10  <b>MANBECK</b> [1] - 2:9  <b>Markman</b> [1] - 28:10  <b>markup</b> [1] - 48:18  <b>MARSHALL</b> [3] - 1:2, 1:7, 2:3  <b>mass</b> [1] - 25:24  <b>MASSACHUSETTS</b> [1] - 1:25  <b>Massachusetts</b> [3] - 98:14, 98:20, 98:23  <b>material</b> [1] - 29:15  <b>materials</b> [2] - 29:9, 35:8  <b>Matt</b> [3] - 5:8, 54:5, 90:17  <b>matter</b> [3] - 76:21, 100:21, 106:4  <b>matters</b> [2] - 6:9, 61:8  <b>MATTHEW</b> [1] - 2:15  <b>MAY</b> [1] - 107:7  <b>mean</b> [35] - 9:8, 9:14, 9:21, 13:9, 18:14, 19:19, 23:11, 28:14, 29:14, 31:5, 39:7, 39:10, 39:15, 48:7, 49:3, 49:9, 53:10, 54:2, 63:10, 67:14, 69:19, 70:17, 78:15, 79:4, 84:5, 90:10, 90:12, 91:19, 93:4, 94:18, 94:25, 99:24, 100:13, 102:5  <b>meaning</b> [50] - 12:21, 14:7, 15:11, 20:10, 20:11, 34:5, 34:12, 34:17, 35:4, 35:16, 35:19, 36:2, 36:25, 37:1, 37:3, 37:6, 37:7, 38:10, 38:22, 42:5, 42:6, 42:22, 50:23, 54:1, 54:18, 58:13, 60:3, 60:7, 60:22, 61:4, 63:4, 65:13, 66:25, 67:7, 67:12, 68:3, 69:10, 69:13, 69:17, 69:19, 69:22, 70:14, 72:8, 77:6, 77:19, 77:20, 78:3, 81:7, 86:20, 88:4  <b>meanings</b> [2] - 9:11, 34:22  <b>means</b> [16] - 22:9, 33:18, 43:10, 61:22, 64:9, 70:1, 70:9, 77:20, 80:2, 85:23, 90:11, 91:3, 91:15, 96:6, 101:3  <b>meant</b> [12] - 22:9, 23:14, 29:13, 30:21, 33:23, 39:23, 40:6, 40:8, 47:25, 67:9, 89:19, 94:16  <b>mechanism</b> [1] - 68:2  <b>MEDIA</b> [2] - 2:7, 3:4  <b>media</b> [37] - 7:13, 8:5, 8:8, 8:22, 9:4, 14:6, 18:18, 21:5, 21:20, 21:21, 25:5, 30:12, 40:16, 44:1, 44:2, 45:1, 57:16, 58:19, 58:21, 69:7, 72:21, 72:23, 76:5, 81:14, 91:16, 92:20, 93:1, 93:11, 93:17, 93:18, 94:2, 94:6, 94:7, 95:11, 96:23, 96:25  <b>Media</b> [1] - 4:15  <b>meet</b> [1] - 27:14  <b>meeting</b> [1] - 103:19  <b>memory</b> [17] - 21:9, 22:15, 24:15, 24:17, 24:20, 25:8, 25:11, 32:25, 33:25, 35:5, 35:24, 37:12, 39:5, 39:14, 39:15, 40:14, 41:23  <b>mental</b> [5] - 99:17, 99:23, 100:10, 100:20, 101:3</p>	<p><b>Mental</b> [1] - 100:12  <b>mention</b> [3] - 33:9, 75:2, 106:12  <b>mentioned</b> [4] - 14:18, 62:2, 62:25, 63:10  <b>Merton</b> [1] - 4:10  <b>MERTON</b> [1] - 1:23  <b>met</b> [1] - 104:6  <b>method</b> [1] - 76:2  <b>MICHAEL</b> [1] - 2:1  <b>Michael</b> [1] - 5:3  <b>might</b> [16] - 26:17, 47:5, 54:15, 58:11, 58:17, 60:10, 69:3, 69:10, 76:17, 81:20, 87:25, 91:19, 94:25, 95:2, 99:12, 105:4  <b>mind</b> [4] - 6:12, 66:7, 82:6, 87:10  <b>minimal</b> [1] - 47:1  <b>minimum</b> [1] - 51:23  <b>minor</b> [1] - 106:4  <b>minute</b> [4] - 26:15, 26:24, 65:18, 106:19  <b>misciting</b> [1] - 89:25  <b>Misraje</b> [1] - 5:14  <b>missing</b> [1] - 74:3  <b>mistake</b> [1] - 48:15  <b>modern</b> [1] - 56:23  <b>modest</b> [1] - 43:3  <b>modification</b> [3] - 8:18, 44:7, 64:9  <b>modified</b> [1] - 87:19  <b>modifies</b> [2] - 87:13, 87:24  <b>modifying</b> [1] - 64:7  <b>modum</b> [1] - 31:1  <b>moment</b> [2] - 45:21, 72:16  <b>moments</b> [1] - 23:18  <b>Monday</b> [1] - 103:15  <b>Montgomery</b> [2] - 5:13, 5:16  <b>MONTGOMERY</b> [2] - 2:18, 5:12  <b>month</b> [1] - 98:10  <b>months</b> [1] - 106:8  <b>moot</b> [1] - 105:6  <b>MORE</b> [2] - 3:9, 3:10  <b>morning</b> [14] - 4:7, 4:13, 4:18, 4:20, 4:22, 4:24, 4:25, 5:6, 5:8, 5:12, 5:18, 8:3, 20:6, 54:5  <b>most</b> [4] - 7:4, 16:15, 61:7, 81:7  <b>MOTION</b> [1] - 3:13  <b>motion</b> [16] - 27:15, 28:2, 97:14, 97:17, 98:3, 98:5, 102:11, 102:15, 102:23, 103:18, 104:8, 104:14, 105:6, 105:8, 105:14, 105:23  <b>mouthful</b> [1] - 83:25  <b>move</b> [8] - 25:16, 25:25, 28:15, 38:5, 55:22, 59:6, 65:5, 104:20  <b>moved</b> [2] - 104:8, 106:10  <b>movie</b> [12] - 21:6, 21:7, 21:12, 21:13, 21:14, 21:16, 21:17, 32:18, 32:19, 32:20, 32:21  <b>Moving</b> [1] - 57:19  <b>moving</b> [1] - 102:19  <b>MR</b> [118] - 4:7, 4:18, 4:22, 4:24, 5:2, 5:8, 5:12, 6:13, 6:18, 6:24, 7:6, 7:9,</p>
<b>M</b>		
<p><b>machine</b> [2] - 86:15, 89:15  <b>machines</b> [2] - 86:7, 86:8  <b>MAGISTRATE</b> [1] - 1:11  <b>MAIN</b> [1] - 2:16</p>		

<p>7:18, 7:22, 8:1, 8:3, 9:1, 11:21, 12:25, 13:2, 18:5, 18:8, 18:11, 19:9, 19:12, 20:6, 23:9, 25:18, 26:21, 27:3, 27:23, 28:12, 28:18, 34:7, 35:14, 36:11, 36:13, 38:16, 38:18, 41:6, 41:25, 42:2, 42:11, 44:15, 45:6, 45:22, 47:7, 48:5, 48:6, 49:2, 49:9, 49:17, 50:1, 50:7, 52:2, 52:13, 52:15, 52:18, 53:17, 54:5, 55:25, 56:1, 57:6, 61:21, 62:4, 62:21, 63:14, 64:2, 64:16, 64:20, 65:1, 65:6, 65:22, 66:7, 66:10, 66:15, 69:5, 69:23, 70:17, 76:17, 76:20, 77:24, 79:7, 80:12, 81:8, 82:8, 82:16, 82:22, 84:17, 84:19, 84:21, 88:10, 88:23, 89:3, 90:17, 91:12, 92:9, 92:15, 92:18, 93:6, 94:9, 94:25, 95:8, 95:10, 95:21, 96:19, 97:17, 97:21, 97:25, 98:9, 98:25, 99:21, 99:24, 100:9, 100:17, 101:7, 102:1, 104:17</p> <p><b>MS</b> [16] - 4:13, 4:19, 4:20, 4:21, 4:23, 66:5, 70:23, 71:1, 77:10, 102:9, 104:2, 104:13, 105:20, 106:2, 106:8, 107:1</p> <p><b>multiple</b> [10] - 9:9, 13:18, 83:14, 85:10, 85:12, 85:14, 85:20, 86:5, 87:17, 88:3</p> <p><b>multiple-piece</b> [1] - 13:18</p> <p><b>multitude</b> [1] - 29:6</p> <p><b>must</b> [16] - 9:4, 9:8, 55:17, 56:6, 57:16, 57:17, 64:5, 64:6, 64:23, 78:4, 83:7, 84:4, 84:11, 89:10, 96:20</p>	<p><b>network</b> [1] - 87:2</p> <p><b>Networks</b> [2] - 4:16, 21:23</p> <p><b>never</b> [8] - 14:3, 14:10, 35:6, 35:7, 35:24, 35:25, 56:4, 86:12</p> <p><b>NEW</b> [2] - 1:19</p> <p><b>New</b> [1] - 85:1</p> <p><b>new</b> [2] - 66:22, 72:23</p> <p><b>next</b> [13] - 13:14, 29:20, 29:24, 31:9, 32:5, 50:16, 57:2, 65:21, 66:16, 73:14, 77:22, 84:25, 93:21</p> <p><b>night</b> [1] - 26:23</p> <p><b>nitpicky</b> [1] - 19:14</p> <p><b>NO</b> [1] - 1:3</p> <p><b>nonasserted</b> [2] - 24:5, 24:11</p> <p><b>none</b> [1] - 65:7</p> <p><b>nonetheless</b> [1] - 29:5</p> <p><b>nontechnical</b> [1] - 27:9</p> <p><b>nontemporary</b> [10] - 22:23, 22:24, 23:5, 23:7, 25:10, 29:13, 30:22, 33:6, 37:12, 41:22</p> <p><b>normal</b> [1] - 68:3</p> <p><b>normally</b> [2] - 15:15, 19:21</p> <p><b>Northern</b> [1] - 98:4</p> <p><b>note</b> [10] - 5:17, 7:19, 20:2, 22:8, 27:23, 36:13, 53:19, 66:10, 81:8, 106:24</p> <p><b>noted</b> [1] - 38:19</p> <p><b>notes</b> [1] - 100:22</p> <p><b>nothing</b> [11] - 19:1, 25:12, 39:20, 41:21, 53:1, 53:12, 53:19, 72:9, 94:5, 94:20, 100:5</p> <p><b>Nothing</b> [1] - 89:13</p> <p><b>notice</b> [3] - 55:4, 103:15, 106:9</p> <p><b>notion</b> [2] - 49:10, 78:8</p> <p><b>novel</b> [2] - 76:7, 76:11</p> <p><b>novelty</b> [1] - 76:11</p> <p><b>nowhere</b> [2] - 18:22, 40:9</p> <p><b>number</b> [6] - 25:1, 86:9, 86:22, 87:15, 87:25, 89:12</p> <p><b>numbers</b> [3] - 86:14, 86:16, 86:22</p> <p><b>numbers'</b> [1] - 86:21</p> <p><b>numerous</b> [1] - 47:11</p> <p><b>NW</b> [1] - 2:10</p>	<p><b>occasions</b> [2] - 9:9, 86:5</p> <p><b>occur</b> [3] - 33:4, 94:21, 95:19</p> <p><b>occurred</b> [1] - 35:20</p> <p><b>occurs</b> [4] - 11:4, 24:20, 57:3, 57:7</p> <p><b>October</b> [1] - 97:21</p> <p><b>OF</b> [5] - 1:1, 1:9, 1:10, 3:10, 107:9</p> <p><b>offer</b> [2] - 35:8, 66:2</p> <p><b>offered</b> [2] - 27:21, 35:10</p> <p><b>offering</b> [1] - 34:11</p> <p><b>offers</b> [1] - 35:24</p> <p><b>office</b> [2] - 37:20, 41:12</p> <p><b>OFFICIAL</b> [1] - 2:22</p> <p><b>ON</b> [1] - 107:7</p> <p><b>once</b> [4] - 60:25, 63:22, 64:7, 97:6</p> <p><b>Once</b> [1] - 58:4</p> <p><b>ONE</b> [3] - 3:9, 3:10</p> <p><b>one</b> [162] - 7:16, 9:1, 9:7, 9:16, 13:16, 13:18, 13:23, 15:24, 17:10, 19:6, 19:9, 19:13, 20:20, 27:6, 28:21, 30:7, 36:1, 38:23, 39:10, 42:7, 43:11, 44:7, 45:11, 47:2, 47:8, 48:11, 52:9, 52:19, 53:10, 57:8, 58:19, 58:21, 59:20, 60:24, 61:6, 64:2, 65:13, 66:21, 67:8, 69:23, 69:25, 70:7, 71:2, 71:16, 72:19, 72:21, 73:16, 75:17, 76:18, 77:6, 78:5, 78:11, 78:14, 78:15, 78:17, 78:20, 78:21, 79:4, 79:11, 79:14, 79:16, 79:17, 79:21, 79:24, 80:1, 80:2, 80:5, 80:8, 80:9, 80:14, 80:15, 80:17, 80:24, 81:1, 81:2, 81:21, 81:23, 81:25, 82:3, 82:6, 82:9, 82:13, 82:15, 82:18, 82:20, 82:25, 83:7, 83:11, 83:16, 85:4, 85:5, 85:15, 85:16, 85:17, 85:18, 85:22, 86:7, 86:13, 86:14, 86:17, 86:18, 86:19, 86:21, 87:2, 87:7, 87:9, 87:10, 87:11, 87:13, 87:19, 87:22, 87:23, 88:2, 88:3, 88:5, 88:6, 88:9, 88:14, 88:17, 89:7, 89:8, 89:14, 89:16, 89:19, 89:20, 89:24, 90:2, 90:6, 90:8, 90:11, 91:20, 91:22, 91:23, 91:25, 92:3, 93:14, 94:16, 95:25, 96:5, 96:6, 96:8, 98:5, 103:7, 103:8, 105:3, 106:4</p> <p><b>One</b> [3] - 9:2, 25:5, 70:5</p> <p><b>one's</b> [1] - 22:15</p> <p><b>one-piece</b> [2] - 13:18, 13:23</p> <p><b>ones</b> [2] - 88:3, 88:5</p> <p><b>OPEN</b> [1] - 4:1</p> <p><b>open</b> [6] - 23:1, 85:3, 85:16, 85:24, 88:4, 88:15</p> <p><b>opening</b> [1] - 74:11</p> <p><b>opinion</b> [7] - 34:17, 35:7, 35:8, 35:24, 35:25, 36:19, 76:7</p> <p><b>opinions</b> [4] - 34:12, 36:6, 36:8, 36:10</p> <p><b>opposed</b> [1] - 21:4</p> <p><b>opposite</b> [1] - 75:8</p> <p><b>opposition</b> [1] - 74:7</p> <p><b>optical</b> [2] - 25:6, 39:14</p> <p><b>option</b> [1] - 32:22</p> <p><b>options</b> [2] - 88:4, 88:5</p> <p><b>OR</b> [2] - 3:9, 3:10</p> <p><b>order</b> [15] - 6:25, 7:3, 7:5, 7:7, 27:8,</p>	
<p><b>N</b></p>	<p><b>nailed</b> [1] - 82:24</p> <p><b>name</b> [18] - 46:12, 46:16, 48:9, 48:17, 48:23, 49:11, 49:13, 50:5, 50:11, 50:15, 51:3, 51:18, 53:2, 53:13</p> <p><b>named</b> [2] - 26:6, 26:7</p> <p><b>narrative</b> [2] - 102:22, 103:3</p> <p><b>narrow</b> [4] - 15:15, 17:23, 19:15, 20:11</p> <p><b>narrower</b> [1] - 15:22</p> <p><b>narrowly</b> [1] - 17:2</p> <p><b>nature</b> [2] - 68:11, 68:14</p> <p><b>navigate</b> [1] - 47:22</p> <p><b>NBC</b> [3] - 102:12, 105:11, 106:14</p> <p><b>NBCUniversal</b> [1] - 4:15</p> <p><b>NBCUNIVERSAL</b> [1] - 2:7</p> <p><b>necessarily</b> [6] - 9:8, 44:18, 48:14, 70:3, 90:13, 100:23</p> <p><b>necessary</b> [2] - 51:23, 59:9</p> <p><b>need</b> [16] - 6:14, 8:17, 9:21, 47:17, 52:3, 52:9, 54:16, 58:23, 59:2, 59:7, 64:9, 86:8, 91:10, 98:8, 102:4</p> <p><b>needed</b> [2] - 32:11, 93:25</p> <p><b>needs</b> [11] - 8:14, 8:21, 32:11, 47:2, 56:4, 56:5, 61:24, 62:7, 67:2, 67:3, 73:24</p> <p><b>negative</b> [6] - 12:23, 13:3, 23:4, 23:8, 23:12, 25:11</p> <p><b>neglected</b> [1] - 65:22</p> <p><b>Netflix</b> [2] - 21:6, 21:7</p>	<p><b>O</b></p>	<p><b>Object</b> [1] - 34:7</p> <p><b>object</b> [2] - 27:3, 35:9</p> <p><b>Objection</b> [1] - 34:7</p> <p><b>objection</b> [3] - 27:13, 27:22, 36:5</p> <p><b>objects</b> [1] - 76:3</p> <p><b>observation</b> [4] - 78:2, 78:25, 88:12, 88:13</p> <p><b>observe</b> [1] - 78:3</p> <p><b>obtained</b> [1] - 101:2</p> <p><b>obvious</b> [1] - 82:13</p> <p><b>Obviously</b> [1] - 43:15</p> <p><b>obviously</b> [6] - 35:21, 56:21, 68:8, 77:3, 78:7, 104:24</p>

<p>29:23, 34:21, 35:8, 47:2, 47:13, 50:12, 74:23, 84:6, 106:9, 106:23</p> <p><b>ordinary</b> [36] - 12:7, 35:4, 35:16, 36:1, 36:2, 37:3, 37:7, 42:4, 42:6, 50:23, 53:10, 54:1, 54:18, 58:13, 60:6, 60:22, 61:3, 63:3, 65:12, 66:25, 67:7, 67:12, 69:9, 69:13, 69:16, 69:19, 69:22, 69:25, 70:5, 70:7, 72:8, 77:6, 77:18, 77:20, 78:3, 101:17</p> <p><b>organization</b> [1] - 102:18</p> <p><b>origin</b> [1] - 27:18</p> <p><b>original</b> [1] - 26:12</p> <p><b>Otherwise</b> [3] - 6:10, 29:16, 76:14</p> <p><b>otherwise</b> [2] - 81:20, 101:2</p> <p><b>ought</b> [3] - 43:5, 46:4, 46:25</p> <p><b>outcome</b> [2] - 5:21, 105:13</p> <p><b>outside</b> [1] - 51:22</p> <p><b>outstanding</b> [1] - 92:19</p> <p><b>overall</b> [1] - 6:9</p> <p><b>overcoming</b> [1] - 69:9</p> <p><b>override</b> [2] - 15:19, 17:15</p> <p><b>overrides</b> [2] - 14:20, 15:7</p> <p><b>overrule</b> [1] - 36:4</p> <p><b>overwhelmingly</b> [1] - 97:9</p> <p><b>own</b> [1] - 28:4</p> <p><b>owner</b> [1] - 26:10</p> <p><b>Oxford</b> [1] - 72:2</p>	<p><b>PARTIES</b> [1] - 4:1</p> <p><b>parties</b> [12] - 5:23, 6:3, 8:14, 9:20, 26:25, 44:16, 52:6, 69:6, 79:1, 101:17, 102:17, 104:3</p> <p><b>PARTNERSHIP</b> [1] - 2:18</p> <p><b>partnership</b> [1] - 5:13</p> <p><b>parts</b> [7] - 15:25, 18:15, 30:18, 39:1, 79:15, 94:12, 94:15</p> <p><b>party</b> [11] - 6:7, 38:20, 98:15, 98:19, 99:3, 100:15, 101:8, 102:24, 104:18, 104:22, 105:4</p> <p><b>passages</b> [3] - 74:12, 74:13, 74:14</p> <p><b>patent</b> [38] - 10:9, 11:11, 12:1, 12:14, 14:12, 14:15, 15:3, 16:25, 17:25, 20:10, 20:15, 21:24, 23:19, 25:2, 25:4, 28:14, 30:7, 30:24, 34:18, 34:21, 36:3, 37:20, 38:8, 39:2, 41:12, 43:24, 46:10, 53:11, 57:4, 57:7, 57:14, 58:9, 67:9, 68:16, 69:14, 70:10, 70:14, 103:11</p> <p><b>patent-in-suit</b> [2] - 34:18, 34:21</p> <p><b>patentee</b> [12] - 10:2, 11:6, 11:7, 23:14, 23:18, 37:14, 39:8, 39:18, 57:23, 75:9, 88:2, 88:3</p> <p><b>patents</b> [1] - 27:5</p> <p><b>path</b> [12] - 46:12, 46:16, 48:9, 48:22, 49:11, 49:13, 50:5, 50:11, 51:3, 51:18, 53:2, 53:13</p> <p><b>pathway</b> [1] - 32:8</p> <p><b>pay</b> [2] - 32:19, 87:23</p> <p><b>PAYNE</b> [1] - 1:11</p> <p><b>pending</b> [3] - 97:15, 99:2, 103:13</p> <p><b>people</b> [5] - 20:21, 21:6, 32:22, 86:11, 101:20</p> <p><b>percentage</b> [1] - 86:11</p> <p><b>perfect</b> [1] - 40:25</p> <p><b>perform</b> [23] - 78:4, 78:5, 78:8, 78:15, 78:21, 78:22, 78:23, 79:5, 79:6, 79:17, 79:20, 81:1, 81:2, 81:24, 82:10, 84:11, 84:15, 86:1, 88:17, 90:9, 90:13</p> <p><b>performed</b> [2] - 82:18, 82:19</p> <p><b>performing</b> [11] - 68:4, 78:11, 78:18, 79:12, 80:6, 80:16, 80:25, 81:21, 82:14, 84:14</p> <p><b>performs</b> [4] - 66:20, 82:1, 88:6, 90:12</p> <p><b>perhaps</b> [2] - 16:11, 103:23</p> <p><b>permanent</b> [8] - 23:10, 25:11, 29:14, 30:22, 33:5, 33:25, 39:4, 41:22</p> <p><b>permanently</b> [3] - 20:22, 20:25, 21:4</p> <p><b>person</b> [6] - 9:17, 29:24, 32:9, 60:16, 70:9, 104:6</p> <p><b>PERSONAL</b> [3] - 1:3, 1:15, 2:20</p> <p><b>Personal</b> [20] - 4:3, 8:16, 14:3, 14:8, 15:25, 22:10, 24:3, 26:8, 26:17, 30:25, 31:25, 33:7, 37:18, 38:4, 38:9, 42:25, 44:16, 46:11, 75:3</p> <p><b>persons</b> [1] - 103:24</p> <p><b>perspective</b> [2] - 9:23, 43:3</p> <p><b>Phillips</b> [2] - 5:3, 15:20</p> <p><b>PHILLIPS</b> [2] - 2:1, 2:2</p> <p><b>phrase</b> [20] - 9:3, 9:7, 9:13, 14:9,</p>	<p>19:19, 19:23, 20:2, 20:3, 24:17, 24:19, 33:14, 57:23, 66:17, 78:7, 78:16, 80:22, 82:25, 83:1, 87:19, 91:15</p> <p><b>phrased</b> [1] - 24:9</p> <p><b>phrases</b> [2] - 19:10, 77:25</p> <p><b>PHRASES</b> [1] - 3:6</p> <p><b>physical</b> [2] - 56:5, 59:1</p> <p><b>physically</b> [1] - 59:11</p> <p><b>picture</b> [1] - 102:14</p> <p><b>piece</b> [3] - 13:18, 13:23</p> <p><b>Pitcock</b> [27] - 4:10, 6:22, 7:17, 18:10, 19:8, 20:5, 27:2, 35:11, 41:5, 42:10, 53:15, 65:3, 65:21, 68:18, 71:2, 73:7, 75:1, 75:18, 75:23, 77:11, 77:22, 83:9, 85:8, 86:25, 94:8, 96:9, 104:16</p> <p><b>PITCOCK</b> [59] - 1:18, 1:18, 6:13, 6:24, 7:6, 7:9, 7:18, 7:22, 8:1, 18:11, 19:9, 19:12, 27:3, 34:7, 35:14, 38:18, 42:2, 48:6, 49:2, 49:9, 49:17, 50:1, 52:15, 52:18, 53:17, 65:6, 65:22, 66:7, 66:10, 66:15, 69:5, 69:23, 70:17, 76:17, 76:20, 77:24, 79:7, 80:12, 81:8, 82:8, 82:16, 88:23, 89:3, 94:9, 94:25, 95:8, 95:10, 97:17, 97:21, 97:25, 98:9, 98:25, 99:21, 99:24, 100:9, 100:17, 101:7, 102:1, 104:17</p> <p><b>place</b> [14] - 29:10, 33:7, 39:4, 44:11, 44:13, 50:20, 51:4, 54:2, 57:20, 57:21, 61:17, 62:1, 62:2, 62:5</p> <p><b>places</b> [5] - 30:15, 39:8, 41:7, 49:15, 57:4</p> <p><b>plain</b> [13] - 36:25, 37:1, 37:7, 42:4, 54:18, 58:13, 60:6, 60:21, 61:3, 63:3, 66:25, 78:2, 86:20</p> <p><b>plaintiff</b> [18] - 4:8, 6:12, 26:23, 27:1, 27:13, 30:17, 33:21, 34:3, 36:14, 37:2, 38:15, 55:2, 62:12, 68:22, 71:21, 97:16, 102:5, 102:14</p> <p><b>plaintiffs</b> [5] - 54:20, 71:3, 71:13, 71:18, 73:13</p> <p><b>plaintiffs</b> [7] - 62:9, 73:18, 73:24, 74:7, 91:13, 91:18, 103:19</p> <p><b>plane</b> [2] - 90:5, 90:6</p> <p><b>planning</b> [1] - 34:11</p> <p><b>play</b> [11] - 11:14, 25:22, 26:2, 26:14, 26:18, 27:19, 29:11, 29:25, 30:1, 32:4, 32:16</p> <p><b>playback</b> [1] - 29:25</p> <p><b>played</b> [1] - 30:12</p> <p><b>player</b> [8] - 10:25, 11:9, 12:16, 25:22, 30:25, 31:10, 32:9, 93:18</p> <p><b>players</b> [1] - 11:13</p> <p><b>playing</b> [9] - 10:19, 27:13, 32:14, 33:3, 33:5, 33:15, 41:19, 41:20</p> <p><b>plays</b> [1] - 12:16</p> <p><b>plug</b> [1] - 64:21</p> <p><b>plural</b> [1] - 94:12</p> <p><b>plurality</b> [1] - 31:19</p> <p><b>podium</b> [1] - 42:14</p> <p><b>poignant</b> [1] - 96:7</p>
<b>P</b>		
<p><b>p.m</b> [1] - 107:4</p> <p><b>page</b> [11] - 11:19, 28:21, 32:5, 34:6, 34:11, 47:9, 50:9, 59:10, 59:12, 71:14, 89:11</p> <p><b>PAGE</b> [1] - 3:2</p> <p><b>PAGES</b> [1] - 1:9</p> <p><b>pages</b> [4] - 29:6, 41:9, 47:11, 47:23</p> <p><b>papers</b> [1] - 44:17</p> <p><b>PAPOOL</b> [1] - 1:20</p> <p><b>Papool</b> [1] - 4:9</p> <p><b>paragraph</b> [3] - 32:7, 75:23, 75:24</p> <p><b>paren</b> [1] - 23:2</p> <p><b>parentheses</b> [3] - 45:11, 51:11, 55:9</p> <p><b>PARKER</b> [1] - 2:12</p> <p><b>part</b> [35] - 8:13, 10:11, 13:11, 16:2, 17:15, 18:14, 25:10, 30:5, 43:19, 52:20, 53:23, 53:24, 54:23, 60:3, 62:10, 63:6, 66:18, 66:19, 74:16, 76:24, 77:3, 77:12, 78:1, 78:7, 78:16, 79:19, 80:23, 83:3, 83:4, 83:15, 83:20, 84:9, 89:22, 97:6, 98:5</p> <p><b>participate</b> [1] - 106:16</p> <p><b>particular</b> [26] - 10:20, 14:23, 43:9, 44:23, 46:2, 46:6, 47:3, 47:17, 47:23, 50:14, 52:9, 52:11, 55:3, 56:5, 59:18, 60:3, 60:8, 61:8, 61:10, 63:15, 64:12, 64:14, 74:22, 87:24, 100:13, 103:5</p> <p><b>particularly</b> [6] - 10:18, 32:20, 64:21, 88:2, 92:23, 95:15</p>		

<p><b>point</b> [38] - 8:14, 19:14, 20:20, 28:12, 28:23, 33:2, 39:10, 49:6, 52:19, 54:19, 55:3, 57:14, 59:2, 64:9, 64:23, 68:7, 71:6, 71:16, 72:17, 73:17, 73:20, 75:21, 76:23, 79:2, 80:18, 81:4, 84:1, 85:11, 86:23, 91:5, 96:12, 97:19, 99:1, 102:10, 103:20, 105:8, 106:20</p> <p><b>pointed</b> [2] - 62:6, 73:6</p> <p><b>pointing</b> [8] - 57:21, 58:3, 58:22, 62:5, 64:22, 71:21, 91:19, 97:4</p> <p><b>points</b> [7] - 55:11, 57:25, 59:8, 59:25, 62:13, 75:3, 85:8</p> <p><b>Poof</b> [1] - 21:9</p> <p><b>Porter</b> [9] - 33:20, 33:21, 33:22, 34:3, 35:13, 66:1, 66:11, 69:20</p> <p><b>Porter's</b> [5] - 34:6, 34:9, 35:15, 36:14, 36:17</p> <p><b>portion</b> [11] - 11:5, 31:21, 31:24, 32:1, 33:10, 37:3, 38:24, 54:21, 55:1, 55:3, 62:12</p> <p><b>portions</b> [2] - 17:14, 77:2</p> <p><b>position</b> [6] - 8:6, 44:17, 69:11, 71:9, 79:3, 88:22</p> <p><b>positions</b> [2] - 6:3, 6:6</p> <p><b>possibilities</b> [1] - 56:25</p> <p><b>possibility</b> [7] - 85:3, 85:16, 85:20, 85:25, 88:16, 89:23, 105:16</p> <p><b>possible</b> [3] - 17:18, 102:18, 105:24</p> <p><b>potential</b> [2] - 79:18, 104:4</p> <p><b>practice</b> [1] - 28:8</p> <p><b>precise</b> [1] - 17:22</p> <p><b>precisely</b> [5] - 13:11, 15:12, 17:2, 44:15, 50:10</p> <p><b>preclusion</b> [1] - 98:12</p> <p><b>predetermine</b> [1] - 5:21</p> <p><b>predetermined</b> [9] - 12:17, 57:11, 59:22, 61:1, 63:19, 64:4, 64:6, 64:7, 87:3</p> <p><b>preference</b> [2] - 7:1, 90:21</p> <p><b>preferred</b> [6] - 11:4, 52:21, 53:20, 53:21, 58:25, 62:19</p> <p><b>preliminarily</b> [1] - 50:7</p> <p><b>preliminary</b> [3] - 5:19, 5:24, 78:25</p> <p><b>premature</b> [2] - 98:8, 105:9</p> <p><b>prepared</b> [5] - 6:19, 11:18, 65:24, 100:14, 103:17</p> <p><b>preparing</b> [1] - 103:17</p> <p><b>preselected</b> [6] - 87:2, 87:12, 87:20, 87:22, 89:16, 90:2</p> <p><b>present</b> [7] - 6:11, 7:4, 10:24, 12:2, 12:11, 12:15, 40:20</p> <p><b>PRESENT</b> [1] - 4:1</p> <p><b>presentation</b> [3] - 4:11, 5:22, 6:8</p> <p><b>presented</b> [2] - 6:25, 13:12</p> <p><b>presenting</b> [1] - 5:4</p> <p><b>preserve</b> [1] - 105:11</p> <p><b>presumably</b> [2] - 52:24, 53:25</p> <p><b>presumed</b> [1] - 9:11</p> <p><b>presumption</b> [4] - 14:22, 69:12, 69:16</p> <p><b>pretend</b> [2] - 59:14, 60:11</p>	<p><b>pretty</b> [6] - 28:7, 43:3, 49:2, 65:24, 73:23, 87:11</p> <p><b>prevent</b> [1] - 47:20</p> <p><b>previous</b> [2] - 35:12, 89:22</p> <p><b>previously</b> [1] - 90:25</p> <p><b>primarily</b> [1] - 56:12</p> <p><b>primary</b> [2] - 14:7, 79:7</p> <p><b>privilege</b> [7] - 99:3, 101:9, 101:11, 101:13, 101:21, 101:22, 101:23</p> <p><b>privileged</b> [4] - 99:10, 99:15, 103:1, 105:2</p> <p><b>problem</b> [4] - 7:12, 39:17, 43:14, 102:19</p> <p><b>problematic</b> [1] - 23:23</p> <p><b>problems</b> [2] - 8:6, 99:13</p> <p><b>procedural</b> [2] - 103:7, 103:20</p> <p><b>procedurally</b> [1] - 102:11</p> <p><b>proceed</b> [5] - 4:11, 5:5, 5:10, 5:15, 32:14</p> <p><b>proceeding</b> [2] - 98:7, 103:18</p> <p><b>Proceedings</b> [1] - 107:4</p> <p><b>PROCEEDINGS</b> [2] - 2:24, 107:9</p> <p><b>process</b> [5] - 22:5, 26:9, 29:18, 67:21, 72:5</p> <p><b>processing</b> [1] - 68:1</p> <p><b>processor</b> [22] - 66:20, 67:4, 67:16, 67:18, 68:4, 68:6, 68:16, 70:19, 71:5, 72:11, 72:12, 72:13, 72:19, 72:20, 73:2, 73:10, 74:2, 74:10, 75:5, 75:10, 75:13, 76:12</p> <p><b>PROCESSORS...FOR...FROM</b> [1] - 3:9</p> <p><b>produced</b> [3] - 22:10, 22:14, 104:17</p> <p><b>PRODUCED</b> [1] - 2:25</p> <p><b>producing</b> [2] - 67:22, 72:6</p> <p><b>product</b> [13] - 100:5, 100:7, 100:9, 100:13, 100:14, 100:23, 100:25, 101:11, 101:14, 101:22, 101:24, 102:24, 104:23</p> <p><b>production</b> [1] - 103:2</p> <p><b>productive</b> [1] - 7:4</p> <p><b>products</b> [1] - 86:7</p> <p><b>Program</b> [1] - 55:5</p> <p><b>program</b> [19] - 8:12, 10:3, 10:20, 10:25, 11:1, 12:16, 12:17, 18:12, 18:16, 25:25, 26:1, 31:2, 31:13, 31:17, 31:20, 51:9, 53:22, 55:6, 93:23</p> <p><b>programming</b> [25] - 10:5, 10:8, 10:9, 10:10, 10:12, 10:13, 11:12, 11:13, 11:14, 16:8, 16:12, 16:13, 16:14, 16:24, 17:1, 17:7, 17:9, 17:18, 17:25, 18:1, 22:15, 29:2, 29:4, 29:20</p> <p><b>programs</b> [10] - 10:20, 10:21, 16:21, 17:2, 25:22, 25:23, 29:3, 29:11, 29:22, 74:22</p> <p><b>proofed</b> [1] - 26:25</p> <p><b>proper</b> [3] - 27:19, 67:12, 82:9</p> <p><b>proposal</b> [2] - 8:6, 43:4</p> <p><b>propose</b> [1] - 75:7</p> <p><b>proposed</b> [13] - 8:15, 22:20, 24:4,</p>	<p>33:8, 44:7, 44:8, 45:7, 45:10, 45:16, 71:18, 83:3, 84:21</p> <p><b>proposing</b> [1] - 68:24</p> <p><b>prosecution</b> [17] - 23:16, 23:17, 23:19, 33:18, 33:24, 35:6, 35:20, 36:22, 36:24, 37:4, 37:14, 38:6, 38:9, 39:21, 39:25, 40:21, 41:10</p> <p><b>protect</b> [2] - 99:5, 100:25</p> <p><b>protected</b> [1] - 100:4</p> <p><b>protection</b> [2] - 101:4, 101:24</p> <p><b>protects</b> [1] - 101:1</p> <p><b>provide</b> [4] - 11:8, 26:22, 36:16, 58:23</p> <p><b>provided</b> [6] - 5:18, 11:17, 20:14, 21:18, 38:2, 48:12</p> <p><b>provides</b> [2] - 57:19, 58:14</p> <p><b>providing</b> [1] - 25:21</p> <p><b>PTO</b> [1] - 103:11</p> <p><b>published</b> [1] - 27:24</p> <p><b>pure</b> [1] - 12:5</p> <p><b>purport</b> [2] - 44:22, 46:2</p> <p><b>purported</b> [1] - 29:8</p> <p><b>purpose</b> [3] - 5:20, 32:25, 82:6</p> <p><b>purposes</b> [2] - 30:14, 102:18</p> <p><b>pursuit</b> [1] - 101:17</p> <p><b>put</b> [13] - 6:1, 11:24, 33:20, 35:3, 45:12, 62:3, 73:7, 73:9, 78:9, 78:25, 91:10, 100:21, 106:22</p> <p><b>puts</b> [1] - 105:13</p> <p><b>putting</b> [2] - 62:20, 77:16</p>
<b>Q</b>		
<p><b>QUESTION</b> [2] - 34:16, 34:20</p> <p><b>questions</b> [8] - 18:3, 25:15, 38:12, 43:6, 43:11, 61:15, 76:13, 87:5</p> <p><b>quickly</b> [2] - 15:24, 77:11</p> <p><b>quite</b> [2] - 73:1, 75:7</p> <p><b>quote</b> [5] - 22:14, 22:16, 22:22, 37:22, 74:11</p> <p><b>quoted</b> [1] - 75:23</p> <p><b>quotes</b> [1] - 28:24</p> <p><b>quoting</b> [1] - 92:8</p>		
<b>R</b>		
<p><b>radio</b> [1] - 27:9</p> <p><b>random</b> [1] - 86:9</p> <p><b>rather</b> [4] - 5:22, 6:4, 55:19, 68:11</p> <p><b>rationale</b> [1] - 45:18</p> <p><b>re</b> [1] - 105:14</p> <p><b>re-urge</b> [1] - 105:14</p> <p><b>read</b> [16] - 34:8, 53:20, 58:20, 66:10, 69:2, 70:11, 72:4, 75:21, 78:19, 80:25, 81:23, 88:9, 94:12, 94:13, 98:1, 98:2</p> <p><b>Reading</b> [2] - 40:16, 40:18</p> <p><b>reading</b> [24] - 17:7, 22:22, 28:25, 30:9, 31:18, 32:7, 38:5, 50:13, 51:11, 55:12, 55:13, 58:18, 61:11, 70:10, 72:5, 73:12,</p>		



<p>73:19, 74:15, 75:6, 75:20, 86:3, 89:11, 90:8, 98:5</p> <p><b>reads</b> [3] - 22:14, 56:14, 56:15</p> <p><b>ready</b> [4] - 4:11, 5:5, 5:10, 5:14</p> <p><b>real</b> [5] - 77:11, 98:15, 98:19, 102:17, 105:4</p> <p><b>Real</b> [1] - 21:23</p> <p><b>realize</b> [1] - 40:23</p> <p><b>really</b> [23] - 10:6, 10:7, 10:15, 12:22, 37:6, 42:25, 47:16, 54:22, 54:23, 54:25, 57:21, 58:16, 62:14, 73:18, 74:8, 76:21, 76:22, 80:7, 87:5, 88:8, 88:18, 89:25, 98:25</p> <p><b>realm</b> [1] - 51:22</p> <p><b>reason</b> [19] - 22:19, 22:25, 39:1, 40:3, 40:5, 45:16, 59:16, 59:17, 61:10, 62:22, 76:22, 76:25, 78:24, 83:1, 84:19, 94:15, 99:5, 99:15, 104:19</p> <p><b>reasons</b> [7] - 37:23, 37:24, 68:11, 75:19, 75:22, 75:25, 93:6</p> <p><b>rebuttal</b> [1] - 39:2</p> <p><b>RECEIVE</b> [1] - 3:11</p> <p><b>receive</b> [7] - 59:11, 87:24, 93:8, 95:16, 96:3, 96:7, 96:20</p> <p><b>received</b> [2] - 97:3, 106:9</p> <p><b>receives</b> [1] - 31:11</p> <p><b>receiving</b> [13] - 31:2, 31:5, 31:8, 31:16, 39:19, 90:19, 91:15, 91:24, 92:2, 92:24, 96:2, 97:7</p> <p><b>recess</b> [2] - 65:4, 65:18</p> <p><b>Recess</b> [1] - 65:19</p> <p><b>reconcile</b> [1] - 80:13</p> <p><b>RECORD</b> [1] - 107:9</p> <p><b>record</b> [13] - 4:2, 4:6, 5:17, 6:1, 19:18, 20:1, 27:16, 28:3, 34:9, 50:5, 51:2, 98:1, 105:10</p> <p><b>record's</b> [1] - 55:5</p> <p><b>refer</b> [4] - 11:18, 41:10, 44:19, 77:7</p> <p><b>reference</b> [12] - 23:21, 23:22, 25:24, 32:3, 33:22, 49:20, 50:8, 51:15, 66:13, 68:2, 75:4, 75:18</p> <p><b>referenced</b> [2] - 79:19, 86:25</p> <p><b>references</b> [5] - 19:4, 23:21, 23:25, 37:16, 40:14</p> <p><b>referred</b> [2] - 30:18, 41:7</p> <p><b>referring</b> [4] - 27:5, 49:15, 77:4, 97:2</p> <p><b>refers</b> [6] - 12:2, 12:11, 39:6, 49:7, 49:18, 61:18</p> <p><b>regard</b> [1] - 104:11</p> <p><b>regarding</b> [3] - 41:7, 99:4, 102:22</p> <p><b>Regardless</b> [1] - 91:2</p> <p><b>regardless</b> [2] - 63:5, 73:11</p> <p><b>Reisman</b> [1] - 76:3</p> <p><b>relate</b> [2] - 75:15, 98:24</p> <p><b>related</b> [1] - 54:9</p> <p><b>relates</b> [1] - 10:17</p> <p><b>relating</b> [5] - 72:22, 83:21, 83:23</p> <p><b>relatively</b> [1] - 67:4</p> <p><b>relevance</b> [1] - 105:9</p> <p><b>relevant</b> [11] - 12:4, 27:4, 33:10, 33:11,</p>	<p>35:8, 56:25, 62:10, 72:20, 99:5, 99:15, 104:25</p> <p><b>religious</b> [1] - 106:16</p> <p><b>remote</b> [2] - 31:3, 31:17</p> <p><b>remotely</b> [3] - 97:3, 97:4, 97:8</p> <p><b>removable</b> [1] - 25:5</p> <p><b>render</b> [3] - 24:4, 25:12, 105:6</p> <p><b>rendered</b> [1] - 53:7</p> <p><b>repeated</b> [1] - 25:24</p> <p><b>repeatedly</b> [1] - 23:18</p> <p><b>replace</b> [1] - 44:8</p> <p><b>replaceable</b> [1] - 30:12</p> <p><b>replete</b> [1] - 19:3</p> <p><b>reply</b> [3] - 33:12, 73:20, 89:4</p> <p><b>report</b> [9] - 34:9, 35:6, 35:18, 35:25, 36:1, 36:7, 36:9, 67:23</p> <p><b>REPORTED</b> [1] - 2:24</p> <p><b>REPORTER</b> [2] - 2:22, 2:22</p> <p><b>REPORTER'S</b> [2] - 1:10, 107:6</p> <p><b>represent</b> [3] - 5:24, 9:16, 105:18</p> <p><b>representative</b> [1] - 100:16</p> <p><b>represented</b> [2] - 18:18, 66:23</p> <p><b>representing</b> [4] - 9:7, 9:13, 76:4, 76:9</p> <p><b>REQUEST</b> [1] - 3:11</p> <p><b>request</b> [32] - 25:23, 30:5, 59:12, 69:2, 91:16, 92:7, 92:11, 92:14, 92:17, 92:18, 92:19, 92:20, 92:25, 93:1, 93:11, 93:24, 94:2, 94:7, 94:22, 95:2, 96:2, 96:4, 96:21, 96:22, 97:1, 97:2, 97:4, 97:7, 97:9, 103:2, 103:13</p> <p><b>requesting</b> [2] - 22:22, 96:4</p> <p><b>requests</b> [5] - 92:2, 92:3, 93:8, 93:18, 95:16</p> <p><b>require</b> [5] - 35:4, 50:5, 62:19, 95:18, 96:17</p> <p><b>required</b> [3] - 29:12, 46:18, 73:22</p> <p><b>requirement</b> [1] - 74:23</p> <p><b>requirements</b> [1] - 51:23</p> <p><b>requires</b> [10] - 8:24, 25:10, 40:24, 41:16, 41:22, 63:17, 66:19, 75:13, 81:11, 89:14</p> <p><b>requiring</b> [1] - 74:20</p> <p><b>resource</b> [18] - 42:15, 42:20, 43:2, 43:6, 43:9, 43:13, 43:16, 43:17, 43:21, 43:24, 44:8, 44:12, 45:10, 45:23, 46:7, 46:25, 49:24, 52:8</p> <p><b>resources</b> [1] - 43:23</p> <p><b>respect</b> [15] - 8:5, 8:9, 24:22, 37:23, 37:25, 40:21, 41:10, 41:17, 43:12, 71:3, 74:5, 84:9, 87:18, 95:15</p> <p><b>respectfully</b> [3] - 78:13, 88:14, 91:6</p> <p><b>respective</b> [1] - 62:13</p> <p><b>respond</b> [9] - 18:10, 65:3, 89:2, 92:20, 93:8, 96:3, 96:7, 96:20, 96:22</p> <p><b>RESPOND</b> [1] - 3:11</p> <p><b>responding</b> [12] - 65:9, 90:19, 91:15, 91:16, 91:24, 92:3, 92:25, 93:3, 93:10, 94:1, 97:8, 105:3</p> <p><b>response</b> [21] - 31:11, 31:12, 38:4, 38:15, 38:18, 93:5, 93:15, 93:17, 94:7,</p>	<p>94:17, 94:19, 94:23, 95:3, 96:10, 96:12, 96:15, 102:6, 103:10, 103:12, 104:20</p> <p><b>responses</b> [3] - 41:12, 41:13, 90:23</p> <p><b>responsive</b> [1] - 87:3</p> <p><b>rest</b> [2] - 65:5, 76:14</p> <p><b>resulting</b> [1] - 95:6</p> <p><b>results</b> [2] - 94:18, 105:12</p> <p><b>Retractable</b> [7] - 11:22, 13:5, 13:13, 13:16, 14:17, 15:6, 15:17</p> <p><b>review</b> [1] - 5:25</p> <p><b>reviewed</b> [1] - 34:20</p> <p><b>rewrite</b> [1] - 89:15</p> <p><b>REYES</b> [1] - 1:21</p> <p><b>rid</b> [1] - 63:20</p> <p><b>ROAD</b> [2] - 1:16, 2:19</p> <p><b>ROBERTSON</b> [1] - 2:12</p> <p><b>Rosenbloom</b> [1] - 4:21</p> <p><b>ROSENBLUM</b> [2] - 2:9, 4:22</p> <p><b>ROTHWELL</b> [1] - 2:9</p> <p><b>ROY</b> [1] - 1:11</p> <p><b>RPR</b> [2] - 2:22, 107:12</p> <p><b>RPR-CRR</b> [2] - 2:22, 107:12</p> <p><b>Rule</b> [1] - 101:24</p> <p><b>ruling</b> [5] - 88:19, 98:3, 98:6, 98:7, 105:24</p>
<b>S</b>		
<p><b>SAID</b> [1] - 3:10</p> <p><b>SAID..</b> [1] - 3:12</p> <p><b>salt</b> [6] - 12:5, 12:6, 15:10, 15:11, 15:12, 19:1</p> <p><b>salt'</b> [1] - 12:8</p> <p><b>salts</b> [2] - 12:3, 12:11</p> <p><b>Sandy</b> [1] - 5:14</p> <p><b>saw</b> [4] - 7:19, 17:6, 56:8, 56:14</p> <p><b>schedule</b> [1] - 12:17</p> <p><b>schedules</b> [1] - 29:3</p> <p><b>scope</b> [4] - 9:16, 28:9, 101:20, 104:13</p> <p><b>screen</b> [1] - 62:3</p> <p><b>second</b> [18] - 19:23, 20:3, 28:23, 29:19, 46:4, 54:22, 55:8, 57:10, 59:19, 66:12, 75:24, 78:7, 87:8, 88:15, 91:5, 93:2, 98:25, 106:11</p> <p><b>seconds</b> [2] - 26:16, 26:24</p> <p><b>secretary</b> [1] - 26:23</p> <p><b>see</b> [11] - 16:17, 16:19, 47:10, 57:13, 57:19, 57:22, 58:2, 58:6, 59:24, 65:20, 67:9</p> <p><b>seeing</b> [1] - 62:18</p> <p><b>seeking</b> [7] - 35:2, 68:22, 88:19, 102:15, 102:16, 102:21, 104:25</p> <p><b>seem</b> [4] - 49:9, 58:11, 58:17, 65:12</p> <p><b>Segment</b> [1] - 55:5</p> <p><b>segment</b> [8] - 26:1, 32:12, 51:9, 55:6, 74:12, 75:22, 93:25</p> <p><b>segments</b> [5] - 12:17, 18:13, 18:14, 53:22, 93:23</p> <p><b>select</b> [2] - 77:17, 86:17</p>		

<p><b>selected</b> [1] - 86:18</p> <p><b>selecting</b> [4] - 10:19, 86:14, 86:19, 86:21</p> <p><b>selection</b> [1] - 106:10</p> <p><b>selections</b> [1] - 31:13</p> <p><b>send</b> [3] - 16:25, 59:12, 90:2</p> <p><b>sense</b> [8] - 40:8, 41:1, 41:3, 66:15, 77:13, 77:25, 78:21, 83:15</p> <p><b>sent</b> [3] - 48:22, 53:7, 93:24</p> <p><b>sentence</b> [4] - 31:7, 50:17, 58:4, 74:16</p> <p><b>separate</b> [3] - 16:20, 33:2, 91:4</p> <p><b>September</b> [5] - 106:11, 106:14, 106:17, 106:23</p> <p><b>series</b> [2] - 8:13, 66:23</p> <p><b>seriously</b> [1] - 68:20</p> <p><b>serve</b> [1] - 59:10</p> <p><b>served</b> [2] - 97:22</p> <p><b>server</b> [25] - 31:3, 31:11, 31:17, 31:19, 31:23, 40:17, 41:1, 48:20, 51:12, 51:14, 52:23, 52:24, 55:15, 56:6, 56:7, 56:9, 58:5, 58:8, 67:15, 93:22, 93:24</p> <p><b>servers</b> [18] - 57:10, 58:5, 59:9, 59:11, 59:21, 60:1, 60:15, 60:20, 60:24, 60:25, 63:18, 63:19, 63:20, 63:22, 63:23, 64:3, 81:14</p> <p><b>service</b> [3] - 21:2, 21:11, 32:13</p> <p><b>session</b> [1] - 29:3</p> <p><b>session's</b> [1] - 29:2</p> <p><b>sessions</b> [1] - 29:25</p> <p><b>set</b> [7] - 5:18, 40:16, 42:7, 45:5, 59:8, 83:11, 97:23</p> <p><b>sets</b> [2] - 29:18, 73:21</p> <p><b>seven</b> [3] - 37:13, 37:19, 39:24</p> <p><b>several</b> [5] - 23:21, 27:5, 61:6, 104:7, 106:8</p> <p><b>share</b> [1] - 102:25</p> <p><b>shared</b> [1] - 101:10</p> <p><b>Sharon</b> [2] - 4:19, 70:23</p> <p><b>SHARON</b> [1] - 2:8</p> <p><b>sheds</b> [1] - 81:5</p> <p><b>sheet</b> [1] - 7:1</p> <p><b>shelf</b> [2] - 64:14, 64:19</p> <p><b>short</b> [2] - 42:15, 65:4</p> <p><b>show</b> [6] - 14:24, 26:14, 55:8, 56:25, 75:8, 105:3</p> <p><b>showed</b> [1] - 103:16</p> <p><b>showing</b> [3] - 37:22, 101:5, 101:15</p> <p><b>shown</b> [1] - 46:11</p> <p><b>shows</b> [1] - 26:16</p> <p><b>side</b> [7] - 7:14, 11:24, 41:1, 88:1, 93:18, 93:22</p> <p><b>sides</b> [2] - 42:14, 42:23</p> <p><b>SIEBMAN</b> [1] - 2:2</p> <p><b>similar</b> [3] - 12:15, 65:24, 98:5</p> <p><b>similarly</b> [1] - 12:18</p> <p><b>simple</b> [1] - 7:10</p> <p><b>simply</b> [12] - 6:4, 9:6, 11:24, 31:9, 36:9, 41:10, 47:14, 50:20, 60:12, 64:8, 74:3, 79:4</p>	<p><b>single</b> [8] - 40:10, 78:20, 79:6, 84:14, 86:21, 88:6, 89:9, 89:10</p> <p><b>six</b> [6] - 12:3, 12:8, 12:11, 15:12, 18:24, 104:7</p> <p><b>size</b> [1] - 46:20</p> <p><b>skill</b> [11] - 36:1, 38:23, 42:7, 53:10, 65:13, 67:8, 69:23, 69:25, 70:6, 70:7, 77:6</p> <p><b>skipped</b> [1] - 55:18</p> <p><b>slide</b> [12] - 13:14, 16:16, 18:12, 24:21, 35:12, 50:9, 54:20, 57:2, 63:16, 71:6, 73:15, 93:21</p> <p><b>Slide</b> [23] - 11:23, 20:13, 21:22, 23:15, 24:15, 24:18, 25:3, 25:19, 28:19, 28:22, 28:23, 30:23, 36:23, 37:21, 38:2, 44:3, 71:3, 72:15, 74:5, 76:20, 83:5, 86:4, 93:12</p> <p><b>slides</b> [4] - 11:17, 11:19, 34:6, 55:22</p> <p><b>slot</b> [2] - 86:7, 86:8</p> <p><b>small</b> [3] - 74:12, 86:11, 86:16</p> <p><b>smaller</b> [1] - 15:23</p> <p><b>SMITH</b> [4] - 1:15, 2:1, 2:2, 5:2</p> <p><b>Smith</b> [2] - 5:3, 5:7</p> <p><b>snippet</b> [1] - 76:21</p> <p><b>solely</b> [2] - 35:2, 104:9</p> <p><b>solid</b> [1] - 12:5</p> <p><b>sometimes</b> [1] - 69:12</p> <p><b>Sometimes</b> [1] - 48:13</p> <p><b>somewhere</b> [5] - 47:22, 60:14, 60:16, 63:24, 64:10</p> <p><b>songs</b> [6] - 20:21, 20:22, 20:24, 21:3, 29:23</p> <p><b>soon</b> [1] - 105:24</p> <p><b>Sorry</b> [2] - 83:25, 93:13</p> <p><b>sorry</b> [8] - 17:3, 28:21, 31:12, 52:16, 81:11, 99:21, 102:1, 106:2</p> <p><b>sort</b> [6] - 19:13, 24:6, 27:7, 33:16, 101:16, 102:4</p> <p><b>sorts</b> [1] - 95:2</p> <p><b>sought</b> [3] - 43:1, 43:13, 43:25</p> <p><b>sources</b> [2] - 67:24, 72:7</p> <p><b>SOUTH</b> [1] - 2:5</p> <p><b>speaking</b> [1] - 9:12</p> <p><b>spec</b> [2] - 18:15, 77:2</p> <p><b>special</b> [1] - 101:4</p> <p><b>Specific</b> [1] - 30:6</p> <p><b>specific</b> [21] - 20:10, 20:11, 47:3, 47:18, 47:25, 48:1, 48:2, 50:6, 50:12, 51:15, 52:3, 54:11, 59:1, 59:15, 70:14, 74:19, 81:24, 83:1, 83:20, 84:2, 102:3</p> <p><b>specifically</b> [27] - 24:13, 34:10, 37:14, 39:7, 48:7, 48:12, 54:17, 57:24, 58:18, 68:9, 72:18, 73:21, 75:12, 78:10, 78:17, 79:11, 80:4, 80:14, 80:23, 81:13, 81:17, 83:12, 85:17, 89:9, 89:22, 90:1, 90:7</p> <p><b>specification</b> [100] - 11:24, 11:25, 12:9, 12:20, 13:8, 13:10, 13:15, 14:1, 14:19, 15:7, 15:19, 15:20, 16:1, 16:7, 17:4, 17:8, 17:15, 17:21, 18:23, 19:2, 19:3, 25:2, 25:4, 25:16, 25:19, 26:16,</p>	<p>28:5, 28:15, 28:16, 28:19, 28:24, 29:7, 29:21, 30:4, 30:7, 30:16, 30:18, 30:20, 31:4, 31:7, 31:18, 31:21, 31:24, 32:1, 32:6, 33:8, 33:11, 34:21, 36:19, 38:24, 39:2, 39:3, 39:9, 41:8, 41:18, 44:6, 46:10, 51:4, 51:8, 52:20, 53:23, 54:22, 54:23, 55:1, 56:14, 56:15, 57:20, 59:3, 60:5, 61:12, 61:18, 62:2, 62:11, 62:13, 63:6, 67:13, 67:14, 67:25, 68:2, 68:17, 69:4, 69:8, 70:2, 70:5, 70:11, 73:14, 74:6, 74:8, 74:14, 76:24, 77:3, 77:8, 79:10, 81:5, 81:11, 86:15, 93:9, 93:16, 93:22, 94:3</p> <p><b>specifics</b> [1] - 76:8</p> <p><b>specified</b> [4] - 57:9, 58:19, 63:12, 64:6</p> <p><b>specifies</b> [8] - 44:12, 48:21, 50:17, 51:8, 55:5, 61:24, 92:23, 92:24</p> <p><b>specify</b> [5] - 49:4, 49:12, 52:22, 62:16, 82:15</p> <p><b>specifying</b> [7] - 48:8, 48:16, 51:15, 53:6, 57:12, 58:21, 68:4</p> <p><b>speed</b> [1] - 31:1</p> <p><b>spend</b> [1] - 54:7</p> <p><b>squarely</b> [2] - 86:4, 86:23</p> <p><b>stage</b> [1] - 105:9</p> <p><b>standardized</b> [1] - 42:18</p> <p><b>standing</b> [1] - 47:12</p> <p><b>stands</b> [2] - 42:21, 43:15</p> <p><b>start</b> [7] - 6:21, 14:21, 15:19, 32:6, 42:13, 68:20, 71:1</p> <p><b>started</b> [1] - 14:5</p> <p><b>starting</b> [2] - 11:5, 85:11</p> <p><b>starts</b> [1] - 85:9</p> <p><b>state</b> [5] - 4:5, 12:6, 14:19, 36:5, 105:10</p> <p><b>statement</b> [11] - 12:2, 27:9, 50:13, 67:20, 71:7, 71:9, 71:14, 71:21, 71:22, 72:11, 96:24</p> <p><b>statements</b> [5] - 10:15, 13:24, 38:2, 38:8, 65:14</p> <p><b>states</b> [1] - 83:6</p> <p><b>STATES</b> [2] - 1:1, 1:11</p> <p><b>stay</b> [4] - 23:15, 103:18, 104:25, 105:6</p> <p><b>stays</b> [1] - 61:11</p> <p><b>steamed</b> [1] - 29:15</p> <p><b>STENOTYPE</b> [1] - 2:24</p> <p><b>step</b> [1] - 9:2</p> <p><b>steps</b> [2] - 75:11, 75:15</p> <p><b>Steve</b> [2] - 4:17, 20:7</p> <p><b>STEVEN</b> [1] - 2:8</p> <p><b>still</b> [6] - 48:17, 48:21, 58:22, 90:4, 103:13</p> <p><b>stood</b> [1] - 106:3</p> <p><b>stop</b> [3] - 18:2, 61:14, 105:5</p> <p><b>storage</b> [108] - 22:23, 22:24, 23:5, 23:10, 24:5, 24:24, 25:7, 25:10, 25:12, 25:24, 29:14, 30:22, 33:6, 37:12, 39:5, 40:1, 40:4, 40:5, 40:20, 40:24, 41:16, 41:22, 42:4, 51:10, 51:13, 53:16, 53:22, 54:1, 54:12, 54:17, 54:24, 55:7, 55:9,</p>
--	--	--

<p>55:11, 55:13, 55:14, 55:19, 55:20, 56:4, 56:5, 56:17, 56:18, 56:21, 57:3, 57:5, 57:9, 57:10, 57:11, 57:12, 57:13, 57:15, 57:23, 57:24, 57:25, 58:10, 58:13, 58:16, 58:24, 59:4, 59:7, 59:21, 60:2, 60:7, 60:9, 60:10, 60:24, 61:3, 61:18, 61:19, 61:20, 61:22, 61:24, 61:25, 62:7, 62:16, 62:17, 62:23, 63:1, 63:2, 63:9, 63:10, 63:11, 63:18, 63:20, 63:25, 64:3, 64:4, 64:8, 64:10, 64:11, 64:19, 64:23, 64:24, 65:12, 67:7, 69:14, 69:22, 69:24, 72:22, 81:14, 95:11</p> <p><b>STORAGE</b> [1] - 3:8</p> <p><b>Storage</b> [1] - 57:6</p> <p><b>store</b> [12] - 20:24, 40:6, 40:8, 40:15, 40:17, 46:13, 52:23, 53:25, 57:16, 69:24, 73:2, 75:14</p> <p><b>stored</b> [25] - 16:22, 19:16, 21:4, 22:6, 24:14, 24:25, 25:3, 25:5, 29:16, 30:11, 30:13, 40:12, 40:19, 41:8, 46:15, 57:9, 57:22, 60:14, 60:15, 60:20, 60:23, 60:25, 68:10, 81:17</p> <p><b>storing</b> [18] - 24:2, 24:12, 24:16, 24:19, 31:19, 35:5, 35:23, 39:4, 39:20, 39:24, 40:14, 40:15, 59:20, 60:22, 66:24, 72:21, 72:24, 73:10</p> <p><b>straightforward</b> [1] - 67:5</p> <p><b>Streambox</b> [1] - 21:24</p> <p><b>streamed</b> [9] - 21:5, 21:7, 21:12, 21:14, 21:20, 30:2, 30:3, 33:25, 40:19</p> <p><b>Streaming</b> [1] - 22:4</p> <p><b>streaming</b> [22] - 20:12, 21:25, 22:19, 22:25, 23:2, 23:6, 23:20, 23:25, 29:14, 29:16, 33:19, 33:23, 34:5, 35:23, 36:21, 37:11, 37:17, 37:22, 38:22, 40:1, 40:2, 41:14</p> <p><b>streams</b> [1] - 40:16</p> <p><b>STREET</b> [4] - 1:24, 2:2, 2:10, 2:16</p> <p><b>strong</b> [1] - 101:5</p> <p><b>Subject</b> [1] - 42:2</p> <p><b>subject</b> [1] - 104:5</p> <p><b>submission</b> [2] - 22:11, 22:12</p> <p><b>submissions</b> [1] - 37:19</p> <p><b>submit</b> [2] - 26:25, 27:1</p> <p><b>subparagraph</b> [1] - 92:17</p> <p><b>subpart</b> [2] - 83:21, 83:22</p> <p><b>subpoenaed</b> [1] - 38:21</p> <p><b>subscriber</b> [1] - 25:21</p> <p><b>subset</b> [2] - 15:23, 86:16</p> <p><b>substance</b> [1] - 72:14</p> <p><b>substantively</b> [1] - 33:14</p> <p><b>substitute</b> [1] - 16:13</p> <p><b>successfully</b> [1] - 23:24</p> <p><b>suggest</b> [3] - 68:12, 78:13, 79:16</p> <p><b>suggested</b> [2] - 8:7, 75:19</p> <p><b>suggesting</b> [3] - 76:8, 79:16, 96:13</p> <p><b>suggests</b> [3] - 75:4, 78:4, 84:10</p> <p><b>suit</b> [2] - 34:18, 34:21</p> <p><b>SUITE</b> [6] - 1:16, 1:22, 2:10, 2:13, 2:16, 2:23</p>	<p><b>Summary</b> [7] - 10:23, 14:4, 14:11, 14:14, 15:13, 16:2, 17:16</p> <p><b>summary</b> [1] - 13:21</p> <p><b>SUMMER</b> [1] - 1:24</p> <p><b>superfluous</b> [2] - 24:5, 25:12</p> <p><b>supplement</b> [1] - 27:16</p> <p><b>supplementation</b> [1] - 28:3</p> <p><b>supply</b> [1] - 74:23</p> <p><b>support</b> [7] - 33:8, 37:8, 39:22, 71:19, 74:15, 79:3, 99:12</p> <p><b>supported</b> [4] - 71:9, 75:20, 86:2, 97:9</p> <p><b>supports</b> [2] - 74:9, 75:6</p> <p><b>supposed</b> [5] - 42:19, 43:8, 43:16, 47:25, 99:25</p> <p><b>surprise</b> [1] - 106:19</p> <p><b>suspect</b> [1] - 45:17</p> <p><b>sustain</b> [2] - 27:13, 27:22</p> <p><b>synonymously</b> [1] - 11:1</p> <p><b>syringe</b> [4] - 13:17, 13:18, 13:22, 13:23</p> <p><b>system</b> [4] - 10:18, 30:10, 46:14, 75:10</p> <p><b>systems</b> [1] - 10:18</p>	<p><b>term-by-term</b> [1] - 6:11</p> <p><b>terminology</b> [1] - 52:6</p> <p><b>terms</b> [32] - 6:15, 6:17, 6:19, 7:4, 7:15, 7:20, 9:3, 9:6, 9:10, 9:21, 13:7, 13:9, 21:22, 23:3, 34:17, 34:22, 35:13, 42:6, 48:25, 50:10, 50:25, 51:1, 52:7, 61:23, 66:16, 67:11, 67:14, 69:13, 73:19, 76:15, 80:21, 103:6</p> <p><b>testified</b> [1] - 38:21</p> <p><b>testimony</b> [10] - 28:13, 33:16, 34:8, 35:1, 35:16, 36:6, 36:8, 36:16, 36:17, 38:19</p> <p><b>TEXAS</b> [9] - 1:1, 1:7, 1:17, 1:22, 2:3, 2:14, 2:17, 2:19, 2:23</p> <p><b>text</b> [11] - 16:4, 16:9, 16:23, 17:7, 17:8, 17:10, 17:19, 18:13, 48:19, 53:4, 53:6</p> <p><b>THAT</b> [1] - 107:7</p> <p><b>THE</b> [131] - 1:11, 1:18, 2:18, 2:18, 4:2, 4:12, 4:25, 5:6, 5:11, 5:16, 6:16, 6:20, 7:2, 7:8, 7:16, 7:19, 7:25, 8:2, 8:20, 11:20, 12:22, 13:1, 18:4, 18:6, 18:9, 19:7, 19:11, 20:4, 23:7, 25:17, 26:19, 27:2, 27:12, 28:7, 28:17, 35:11, 36:4, 36:12, 38:14, 38:17, 41:4, 41:24, 42:1, 42:9, 44:10, 45:3, 45:20, 47:4, 48:3, 48:24, 49:8, 49:14, 49:22, 50:3, 51:25, 52:12, 52:14, 52:17, 53:14, 54:4, 57:5, 61:16, 62:1, 62:14, 63:8, 63:25, 64:15, 64:18, 64:25, 65:2, 65:17, 65:20, 66:3, 66:6, 66:9, 66:14, 68:18, 69:21, 70:12, 70:21, 70:25, 76:16, 76:19, 77:9, 77:22, 78:24, 80:10, 81:3, 82:2, 82:12, 82:21, 84:13, 84:18, 84:20, 88:8, 88:21, 89:1, 90:15, 91:10, 92:6, 92:12, 92:16, 93:2, 94:8, 94:23, 95:5, 95:9, 95:17, 96:13, 97:12, 97:20, 97:24, 98:1, 98:21, 99:17, 99:22, 100:6, 100:12, 100:24, 101:12, 102:2, 103:22, 104:12, 104:15, 105:7, 105:22, 106:7, 106:21, 107:2, 107:8</p> <p><b>themselves</b> [1] - 13:7</p> <p><b>theoretically</b> [1] - 95:1</p> <p><b>theory</b> [1] - 100:20</p> <p><b>thereafter</b> [1] - 96:3</p> <p><b>THEREAFTER</b> [1] - 3:11</p> <p><b>therefore</b> [2] - 83:14, 102:25</p> <p><b>they've</b> [5] - 53:1, 70:6, 101:7, 103:3, 104:17</p> <p><b>third</b> [11] - 19:9, 38:20, 57:12, 58:16, 58:20, 71:6, 99:3, 101:8, 104:3, 104:18, 104:22</p> <p><b>third-party</b> [3] - 38:20, 104:18, 104:22</p> <p><b>THIS</b> [1] - 107:7</p> <p><b>Thompson</b> [1] - 4:10</p> <p><b>THOMPSON</b> [1] - 1:23</p> <p><b>three</b> [22] - 7:23, 24:11, 37:19, 37:20, 38:1, 41:11, 41:12, 42:16, 57:4, 57:7, 57:8, 78:9, 79:6, 79:15, 80:7, 82:1, 85:2, 85:6, 88:18, 90:14</p> <p><b>THROUGH</b> [1] - 1:9</p> <p><b>throughout</b> [5] - 10:14, 11:11, 17:3,</p>
<b>T</b>		
<p><b>tab</b> [1] - 71:12</p> <p><b>Tab</b> [2] - 66:12, 67:20</p> <p><b>table</b> [2] - 4:8, 40:18</p> <p><b>talks</b> [25] - 16:3, 19:19, 19:23, 29:21, 30:9, 31:9, 31:18, 31:21, 39:4, 49:19, 53:22, 57:21, 62:5, 67:25, 74:17, 78:10, 78:14, 78:17, 81:13, 89:7, 91:20, 91:25, 93:3, 93:10, 93:16</p> <p><b>tamperproof</b> [1] - 13:22</p> <p><b>tasks</b> [3] - 72:19, 72:20, 83:20</p> <p><b>teach</b> [3] - 15:6, 40:14, 40:15</p> <p><b>teaches</b> [3] - 15:20, 30:4, 39:3</p> <p><b>technical</b> [2] - 69:14, 69:15</p> <p><b>technically</b> [3] - 19:19, 20:2, 101:23</p> <p><b>Technologies</b> [7] - 11:23, 13:6, 13:13, 13:16, 14:17, 15:6, 15:17</p> <p><b>technology</b> [4] - 6:9, 6:14, 20:18, 20:20</p> <p><b>Technology</b> [1] - 86:6</p> <p><b>teenager</b> [1] - 20:19</p> <p><b>teenagers</b> [1] - 32:18</p> <p><b>temporary</b> [2] - 29:4, 39:5</p> <p><b>ten</b> [1] - 65:18</p> <p><b>ten-minute</b> [1] - 65:18</p> <p><b>tentative</b> [1] - 22:21</p> <p><b>term</b> [51] - 6:11, 6:23, 6:25, 7:3, 8:9, 8:20, 8:23, 9:4, 10:7, 18:7, 20:8, 20:9, 22:9, 29:12, 34:12, 35:9, 38:23, 39:7, 39:23, 40:11, 42:15, 42:24, 43:2, 43:5, 43:10, 44:6, 44:11, 49:17, 54:2, 57:3, 57:5, 61:10, 62:18, 65:4, 65:11, 65:15, 65:21, 66:17, 67:6, 67:7, 69:10, 69:17, 69:18, 70:4, 77:5, 77:22, 79:9, 82:13, 84:12, 90:18</p>		

<p>17:4, 26:8  <b>throwaway</b> [1] - 35:15  <b>TIME</b> [2] - 3:9  <b>TO</b> [4] - 3:9, 3:11, 3:11, 3:13  <b>today</b> [2] - 5:4, 39:12  <b>today's</b> [1] - 11:18  <b>together</b> [4] - 19:14, 54:13, 54:14, 78:1  <b>TOGI</b> [1] - 1:6  <b>Togi</b> [1] - 4:3  <b>tomorrow</b> [1] - 27:1  <b>TONYA</b> [2] - 2:22, 107:12  <b>took</b> [1] - 99:1  <b>top</b> [9] - 32:2, 47:21, 63:16, 89:11, 91:20, 91:25, 92:10, 92:12, 92:21  <b>toward</b> [1] - 83:3  <b>trace</b> [1] - 22:3  <b>TRANSCRIPT</b> [3] - 1:10, 2:25, 107:8  <b>transcript</b> [4] - 26:22, 26:24, 27:6, 66:11  <b>TRANSCRIPTION</b> [1] - 2:25  <b>transcripts</b> [1] - 17:8  <b>transfer</b> [1] - 22:14  <b>transferred</b> [3] - 19:16, 39:8, 48:19  <b>transferring</b> [1] - 20:17  <b>translatable</b> [1] - 63:3  <b>transmission</b> [2] - 31:12, 31:13  <b>transmitted</b> [1] - 34:1  <b>transmitting</b> [2] - 31:3, 31:9  <b>trial</b> [3] - 103:11, 106:13, 106:17  <b>tries</b> [3] - 38:25, 39:11, 39:13  <b>trip</b> [1] - 85:23  <b>trips</b> [4] - 85:2, 85:4, 85:6, 85:15  <b>trouble</b> [2] - 62:15, 62:17  <b>true</b> [3] - 24:22, 31:15, 53:4  <b>trust</b> [1] - 26:9  <b>try</b> [11] - 27:10, 34:21, 43:5, 43:10, 43:11, 46:2, 46:5, 67:13, 68:18, 68:21, 94:9  <b>trying</b> [26] - 6:3, 11:12, 19:15, 20:24, 21:11, 34:8, 35:14, 41:2, 45:12, 45:23, 46:8, 46:21, 47:19, 50:14, 51:22, 52:7, 73:18, 73:25, 76:23, 79:25, 80:22, 81:6, 90:24, 94:11, 102:2, 104:21  <b>Tuesday</b> [3] - 26:4, 27:24, 27:25  <b>turn</b> [6] - 6:12, 7:13, 71:14, 73:14, 74:5, 74:7  <b>Turning</b> [1] - 36:22  <b>turning</b> [2] - 25:19, 72:14  <b>tutorial</b> [1] - 6:14  <b>two</b> [23] - 9:6, 9:20, 14:16, 17:12, 20:16, 21:21, 22:2, 25:3, 30:18, 33:2, 43:5, 46:17, 66:16, 71:15, 72:18, 72:20, 74:13, 76:15, 77:25, 87:5, 88:18, 88:20, 90:23  <b>Two</b> [1] - 98:12  <b>TYLER</b> [1] - 2:14  <b>Tyler</b> [1] - 85:1  <b>type</b> [11] - 10:2, 10:8, 11:12, 11:13, 14:15, 26:23, 44:23, 46:3, 46:25, 84:6,</p>	<p>100:13  <b>types</b> [16] - 12:3, 12:8, 12:11, 15:12, 16:3, 16:21, 16:22, 17:17, 17:23, 18:17, 43:23, 43:24, 45:25, 47:1, 47:2, 74:22  <b>typology</b> [1] - 9:17</p> <p style="text-align: center;"><b>U</b></p> <p><b>unavailable</b> [2] - 32:11, 93:25  <b>undefined</b> [1] - 70:4  <b>under</b> [5] - 48:25, 61:3, 95:6, 101:9, 101:24  <b>underneath</b> [1] - 78:2  <b>understood</b> [1] - 44:16  <b>undisputed</b> [1] - 10:15  <b>Unfortunately</b> [1] - 79:8  <b>unique</b> [2] - 57:9, 58:19  <b>unit</b> [1] - 25:25  <b>UNITED</b> [2] - 1:1, 1:11  <b>universal</b> [5] - 42:15, 42:18, 43:2, 43:16, 52:8  <b>unless</b> [2] - 18:2, 101:7  <b>unlike</b> [1] - 89:21  <b>Unlike</b> [1] - 20:8  <b>unrebutted</b> [1] - 36:17  <b>up</b> [25] - 6:17, 10:16, 16:16, 18:12, 26:12, 26:24, 27:16, 37:3, 47:7, 50:9, 51:4, 53:18, 54:20, 59:10, 59:17, 62:3, 63:16, 66:12, 83:11, 84:5, 85:20, 86:9, 98:22, 105:14, 106:3  <b>update</b> [3] - 76:12, 103:8, 103:20  <b>updated</b> [13] - 59:20, 59:25, 60:22, 63:17, 66:24, 67:2, 72:24, 73:2, 73:4, 73:10, 75:14, 83:22, 83:24  <b>updatedversion.htm</b> [2] - 59:16, 60:14  <b>updates</b> [2] - 29:20, 76:2  <b>updating</b> [3] - 68:12, 75:11, 76:2  <b>uploading</b> [1] - 31:13  <b>uploading</b> [1] - 31:3  <b>urge</b> [1] - 105:14  <b>URL</b> [72] - 3:7, 26:23, 42:3, 42:15, 42:21, 43:5, 43:10, 43:15, 43:20, 43:22, 44:4, 44:6, 44:11, 44:14, 44:19, 44:21, 45:4, 46:6, 46:24, 47:9, 47:25, 48:7, 48:9, 48:13, 48:16, 48:21, 49:3, 49:6, 49:10, 49:12, 49:15, 49:20, 50:6, 50:23, 51:4, 51:8, 51:22, 52:1, 52:6, 52:19, 53:2, 53:10, 54:10, 54:12, 54:24, 55:5, 55:11, 57:10, 57:11, 57:18, 57:25, 58:20, 59:8, 59:18, 59:22, 60:11, 60:18, 61:1, 61:2, 63:12, 63:19, 63:21, 64:4, 64:7, 64:9, 64:22, 67:7, 69:13, 92:4, 95:2  <b>URLs</b> [12] - 47:6, 50:13, 57:12, 57:13, 57:21, 58:20, 58:22, 59:2, 62:5, 76:5, 76:10, 83:23  <b>usage</b> [2] - 12:7, 44:6  <b>useful</b> [1] - 100:4  <b>user</b> [8] - 16:25, 25:25, 29:9, 29:10,</p>	<p>30:6, 31:23, 32:3, 74:23  <b>uses</b> [2] - 24:24, 28:23  <b>USING</b> [1] - 2:24  <b>uspto.gov</b> [1] - 61:5  <b>uspto.gov/compilationfiles/updatedversion</b> [1] - 59:24  <b>uspto.gov/compilationfiles/updatedversion.htm</b> [1] - 60:12  <b>utilizes</b> [1] - 11:7</p> <p style="text-align: center;"><b>V</b></p> <p><b>vacuum</b> [2] - 12:19, 13:8  <b>vague</b> [5] - 15:1, 42:21, 47:21, 52:7, 84:24  <b>vendors</b> [1] - 101:19  <b>Verizon</b> [1] - 15:17  <b>version</b> [12] - 59:20, 59:25, 60:22, 63:17, 66:24, 67:3, 68:13, 72:24, 73:2, 73:4, 83:22, 83:24  <b>versus</b> [5] - 4:3, 21:24, 34:5, 86:6, 86:25  <b>VIA</b> [1] - 2:25  <b>video</b> [2] - 22:2, 22:6  <b>view</b> [5] - 8:16, 8:17, 9:6, 17:17, 37:10  <b>voided</b> [1] - 98:19  <b>VOLUME</b> [1] - 1:9  <b>VS</b> [1] - 1:5</p> <p style="text-align: center;"><b>W</b></p> <p><b>waive</b> [2] - 101:12, 101:21  <b>waived</b> [3] - 101:8, 101:11, 101:14  <b>WALKER</b> [1] - 2:15  <b>Wan</b> [1] - 4:23  <b>WAN</b> [2] - 2:21, 4:24  <b>wants</b> [2] - 6:8, 97:16  <b>Ward</b> [2] - 4:8, 4:12  <b>WARD</b> [3] - 1:15, 1:15, 4:7  <b>warehouse</b> [2] - 64:12, 64:13  <b>WASHINGTON</b> [1] - 2:11  <b>watch</b> [7] - 21:8, 21:12, 21:16, 21:17, 32:23, 32:24, 32:25  <b>watched</b> [2] - 21:13, 34:2  <b>watching</b> [1] - 21:8  <b>ways</b> [4] - 20:17, 61:8, 73:19, 94:11  <b>web</b> [8] - 47:9, 52:23, 52:24, 55:15, 58:5, 58:8, 59:10, 59:12  <b>website</b> [11] - 45:11, 45:12, 46:15, 47:10, 47:14, 47:15, 47:16, 48:16, 48:18, 52:24, 53:5  <b>week</b> [2] - 26:4, 106:11  <b>weeks</b> [4] - 36:15, 85:1, 104:7  <b>welcome</b> [2] - 6:9, 7:5  <b>whatsoever</b> [1] - 102:7  <b>whole</b> [2] - 72:4, 80:21  <b>willing</b> [1] - 6:2  <b>WILLOW</b> [1] - 2:23</p>
---	--	--

**WILSON** [1] - 2:12  
**win** [1] - 86:11  
**winners** [1] - 90:3  
**wins** [1] - 86:10  
**wish** [2] - 25:11, 77:23  
**wished** [3] - 29:11, 29:23, 29:24  
**wishes** [2] - 32:3, 32:12  
**withhold** [1] - 104:21  
**withholding** [2] - 102:6, 102:7  
**witness** [2] - 35:2, 38:20  
**witnesses** [4] - 99:11, 104:4, 104:19, 104:22  
**WMS** [2] - 86:6, 88:1  
**wondering** [1] - 8:23  
**word** [27] - 8:14, 8:19, 9:14, 9:25, 11:1, 11:16, 12:20, 17:24, 23:13, 24:12, 24:16, 24:19, 24:24, 30:16, 31:8, 31:9, 33:17, 37:1, 37:3, 44:8, 57:22, 57:24, 72:2, 89:19  
**words** [12] - 8:11, 17:18, 28:24, 33:2, 42:16, 43:13, 50:18, 52:9, 55:18, 62:23, 87:12  
**works** [2] - 56:23, 61:9  
**workstation** [1] - 40:19  
**world** [1] - 46:15  
**written** [2] - 68:1, 69:15  
**www.uspto.gov** [2] - 59:8, 60:2

**Y**

**yesterday** [2] - 26:3, 26:21  
**York** [1] - 85:1  
**YORK** [2] - 1:19

**Z**

**zoom** [1] - 16:16